

**MEETING OF THE STATES PARTIES TO THE  
CONVENTION ON THE PROHIBITION OF  
THE DEVELOPMENT, PRODUCTION AND  
STOCKPILING OF BACTERIOLOGICAL  
(BIOLOGICAL) AND TOXIN WEAPONS AND  
ON THEIR DESTRUCTION**

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Items 5 and 6 of the agenda

**APPROACHES TO SOME ELEMENTS  
OF THE MECHANISM FOR INVESTIGATION OF CASES  
OF ALLEGED USE OF BIOLOGICAL WEAPONS\***

Submitted by the Russian Federation

**General provisions**

1. Investigation of instances of alleged use of biological weapons should be guided by the provisions of the Convention on the Prohibition of the Development, Production and Stockpiling of the Bacteriological (Biological) and Toxin Weapons and on their Destruction (BWC). Especially important is maximum use of the potential of its Articles V and VI that provide for:

- (i) "The States Parties to this Convention undertake to consult one another and co-operate in solving any problems which may arise in relation to the objectives of, or in the application of provisions of the Convention";
- (ii) "Any State Party to this Convention which finds that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations".

2. These mechanisms should be implemented through the appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

3. Article VI of the Convention directly provides for lodging a complaint with the UN Security Council as a basis for investigating breaches by any State Party of its obligations deriving from the provisions of the Convention. The Convention does not go into details as to how the Security Council will use the provisions of the Charter and other guiding documents of the UN when handling such a request. But, in any case, the range of UN political instruments is sufficiently broad

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to ensure a comprehensive and non-discriminatory consideration of this matter and adoption of relevant decision.

4. In this context it is obviously necessary to use the potential of the UN Security Council for investigating alleged use of biological weapons.

### **Initiation of investigation**

5. It would be logical for a State Party to have powers to request an investigation only in its own territory. Such a measure should be by a substantiated complaint of the State. To avoid abuse it is necessary to exclude the possibility of initiating an investigation of alleged use of biological weapons on request of a State Party in the territory of another State Party.

### **Lodging of the complaint (volume of information)**

6. To launch an investigation of alleged use of biological weapons it is important for the complaint to contain reliable information without which the investigation couldn't take place. Such a complaint should at least contain the following information:

- (i) name of location and geographical co-ordinates of the place of alleged use, its position as regards another known place;
- (ii) characteristics of the area of alleged use;
- (iii) date and time of alleged use;
- (iv) special data on the use of biological weapons;
- (v) characteristics of impact on people/animals/plants (signs and symptoms of damage, effects etc.);
- (vi) types of identified samples and results of their analyses;
- (vii) alleged biological agent/toxin used and its characteristics;
- (viii) other relevant information.

### **Processing of complaint**

7. A complaint about an alleged use of biological weapons would be lodged in accordance with Article VI of the Convention with the UN Security Council. After that the complaint would be submitted to an appropriate existing or specially established structure within the UN system.

8. This structure could carry out technical expertise of the complaint evaluating the submitted materials as to their conformity with existing requirements, as well as facilitate bilateral or multilateral consultations. Processing of the complaint could also be accompanied by requesting additional information and conducting further consultations.

9. In case the complaining State does not provide information to the required extent, further processing of the complaint would cease as unjustified and the complaining State would be notified thereof.

### **Unusual outbreaks of infectious diseases**

10. Consideration and adoption of necessary measures related to unusual outbreaks of infectious diseases is the prerogative of national authorities. Besides national authorities, investigation of unusual outbreaks of diseases can be carried out with the participation of international organizations (WHO, FAO, OIE, etc.). Results of epidemiological investigation testifying to a possible use of biological weapons can serve as a reason for the State Party to lodge a complaint with the UN Security Council with the view to considering an investigation of alleged use of biological weapons.

### **Conduct of investigation**

11. The relevant materials of the Special Group and the report of the group of qualified experts A/44/561 of 1989 in accordance with the UN General Assembly Resolution A/RES/42/37 C of 1987 could serve as a basis for elaborating concrete technical guidelines for conducting investigation.

### **Links with other possible elements of control mechanism**

12. Implementation of these provisions will be most efficient only if other elements of verification mechanism of the Convention on the Prohibition of Biological Weapons are established. In this context, we reaffirm our position as to the necessity of comprehensive tackling of this problem by way of establishing a control mechanism of the BWC.

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