



Security Council

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Identical letters dated 11 March 2019 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I should like to convey to you the response of the Government of the Syrian Arab Republic to the report of the Fact-Finding Mission of the Organisation for the Prohibition of Chemical Weapons dated 1 March 2019 (S/1731/2019).

- The Government of the Syrian Arab Republic reiterates that it is committed to the international instruments concerning weapons of mass destruction conventions. On 17 December 1968, it acceded to the 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare. It was also one of the first States to ratify the Treaty on the Non-Proliferation of Nuclear Weapons, on 24 September 1969. Accordingly, on 27 December 2003, while it was a member of the Security Council, it submitted a draft resolution on the establishment of a zone free from weapons of mass destruction in the Middle East region. However, the United States of America and the Western States on the Security Council at the time prevented any action from being taken on that draft resolution. The Government of the Syrian Arab Republic is also committed to the letter and spirit of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Chemical Weapons Convention). Since its accession to the Convention in 2013, it has not possessed any prohibited toxic chemical substances. Syria considers the use of chemical weapons to be unethical and condemnable wherever and whenever it occurs, irrespective of the pretext.
- At the height of the terrorist war that was imposed on them, Syrian Government forces withdrew from important strategic locations, but they never used chemical weapons against the terrorist groups that had taken control there. Why, then, and for what purpose, would they use chlorine against civilians? Who would stand to gain? Only the terrorist groups and the Governments of their State sponsors. Such acts would serve to tarnish the image of the Syrian State, hinder the progress of the Syrian Arab Army, and marshal global public opinion against the Syrian Government as the perpetrator, hence creating a pretext for well-known States to launch successive attacks against Syria.
- The work of certain United Nations entities, such as the Fact-Finding Mission – which are supposed to be neutral, professional and credible – has instead shown them to be biased and politicized. They excel in using false witnesses, open



sources, fabricated evidence, snide remarks, ambiguous statements and off-site investigations. It is, however, a well-known legal maxim that fallacious premises lead to fallacious conclusions. The true objective of this latest misleading and unprofessional report is not to uncover the truth but to add to a long list of fabricated, spurious information and accusations against the Syrian Government.

- The United States of America, France and the United Kingdom have failed in their policy of undermining the security, stability and territorial integrity of Syria. They have not been able to bend Syria to their will. Instead, they have mobilized their terrorist proxies in Syria, foremost among which are the so-called White Helmets – the main proxy of the terrorist Nusra Front – to concoct accusations regarding the use of chemical weapons in Syria. For that purpose, they prevented the Fact-Finding Mission from investigating in Duma by launching a direct military attack against Syria on 14 April 2018. The attack destroyed scientific centres that hosted laboratories used for peaceful civilian purposes. OPCW had visited those centres and ascertained their civilian character.
- The Fact Finding Mission’s assumptions are nothing new, and they were not unexpected. Its previous reports were based on the same methodology, namely the fabrication of events and the use of such strange expressions as “high degree of probability”. The former OPCW-United Nations Joint Investigative Mechanism took the same unprofessional approach when it investigated the use of chemical weapons in Syria: the words “likely” and “unlikely” appear 32 times in its fourth report. However, scientific reports should not be based on assumptions when discussing scientific and legal evidence that admit only of certainty. Let us not forget that the former United States Secretary of State Colin Powell used the same misleading expression before the Security Council on 5 February 2003 to justify his country’s attack on Iraq: he said that Iraq most likely possessed weapons of mass destruction. His colleague John Kerry, too, used such terms on 26 August 2013 in order to mislead global public opinion and secure prior justification for an attack on Syria.
- The current report of the Fact-Finding Mission, like its predecessors, ignores the fact that armed terrorist groups have obtained and manufactured toxic chemical substances. It ignores the significant and detailed information on the topic provided by the Syrian Government in 161 official letters, the most recent of which was its letter of 14 February 2019 (PM/2019/45).
- The report ignores the fact that the Syrian State has cooperated with and facilitated the process in order to ensure that the Mission could work under the best possible conditions. It ignores the statements and evidence provided by witnesses, which show that the chemical incident was contrived by the White Helmets organization, which is an arm of the terrorist Nusra Front. The White Helmets are openly supported by such Western States as the United States of America, France, Germany and the United Kingdom, which have given it millions of dollars over the last few weeks and months.
- The report also ignores the press conference held on 26 April 2018 at OPCW Headquarters in The Hague. On that occasion, 20 children, doctors and other victims gave a detailed account of the theatrical performance that had taken place, and exposed the true events that had taken place in the city of Duma on 7 April 2018. They said that the alleged incident had been fabricated by members of the White Helmets.
- Numerous charts and photographs have been included in the report in order to give the impression that it is objective, comprehensive and credible. However,

the simplistic conclusions reached by the Mission's experts, namely that there are "reasonable grounds" to believe that chlorine was used as a chemical weapon in the city of Duma, serve only to justify the act of aggression against Syria that was perpetrated by the United States of America, the United Kingdom and France 14 April 2018.

- Paragraph 2.7 of the report states that there were no organo-phosphorous nerve agents or their degradation products in environmental samples or in plasma samples from alleged casualties. In other words, the cause of death could not be determined from those samples, and it could not be connected with any chemical substance. It should also be noted that the Syrian side was not consulted as regards the plasma samples taken from the victims so that it could help determine the cause of death. That course of action was inconsistent with the provisions regulating the work of the Fact Finding Missions under the Chemical Weapons Convention.
- Paragraphs 2.9 and 8.40 pointedly fail to recognize that the armed terrorist groups do not have chlorine gas or hexamine. Those two substances were found at one of the terrorist warehouses visited by the Mission in Duma; yet the Mission identified only various ordinary chemical substances. OPCW missions have persistently identified the same substances in divergent ways: at times, they are evidence of the use of toxic chemical weapons, and at other times they are ordinary chemical substances. Such interpretations clearly contradictory and politicized.
- Moreover, there is a contradiction between paragraph 2.4, which states that the report was based on the collection of biological samples, and paragraph 2.11, which refers to the absence of biological samples or any autopsy records.
- With regard to table A5.2 in annex 5, concerning biological samples (plasma): the report does not say who gathered the samples and handed them over to the Fact-Finding Mission, or where that party found the victims from whom samples were taken. Paragraph 9.6 of the conclusions, however, states that the Mission was not able to precisely link the symptoms of the victims to a specific chemical that caused their death. This would mean that the cause of the victims' rapid death was not connected with chlorine, but with another toxic substance that left no trace or degradation products in any of the samples that were examined. This raises a question: given that the Mission did not see or inspect the bodies, and given that some of the biological and material samples in its possession showed no sign of toxic chemicals or of biological or material degradation, how did it establish that the onset of death was rapid? For that matter, chlorine does not cause an immediate, swift death. It would appear that the information comes from terrorists and is incorrect. Clearly, insufficient information has led to contradictory conclusions.
- Paragraph 8.34 states that experts in mechanical engineering, ballistics and metallurgy indicated that the cylinder at location 4 first passed through the ceiling and hit the floor at a lower speed, then continued on its altered trajectory until it reached the bed, the position in which it was found. That theory is illogical from a scientific and ballistic standpoint. If the cylinder was equipped with a fuse and explosives, how could it have hit the roof without exploding, without its body being deformed, and without its funnel cap being irrevocably destroyed? This shows that the Mission's analysis is inaccurate, as is also clear from figure 14 (page 20) and figure A.7.9 (page 64, annex 7):
 1. The aperture in the roof on the top floor of the building must have been caused not by the cylinder falling from the air, but by the explosion of another projectile.

2. The cylinder must have been placed on the bed, and its cap must have been opened by design. In short, the evidence was fabricated.
 3. The bed was not affected by the impact of the cylinder. If the cylinder had fallen through the ceiling, the bed would have been crushed. The same is true of the glassware, which was no more than a metre away but, according to the report, was not damaged by the impact.
 4. According to figure A.7.5 on page 61 (Structure of the cylinder with harness and stabilizing fins), the cap of the cylinder was protected by a metal harness. In fact, however, pictures of the cylinder show that the harness did not protect the cap, which would have been crushed on impact.
- Paragraph 2.4 states that the Mission collected biomedical samples. In so doing, it did not coordinate or cooperate with the competent Syrian party. The samples were collected by another actor, and the Syrian party was not consulted. This raises questions regarding the nature of the samples, their reliability and the origin of the corpses from which they were taken. It is well known that the area was for a long time under the control of the armed terrorist groups.
 - The names of the victims were not registered, ostensibly owing to lack of staff. Yet it is also stated that there were volunteers and even “bystanders” (paragraph 8.50) in the hospital. One of them could have been instructed to register the victims’ names. Similarly, the report states that medical staff did not maintain patient admission and treatment records (paragraph 8.75).
 - The witness reports are contradictory. According to one account, there were 50 bodies in Duma Hospital on 7 April owing to inhalation of smoke and dust. Others, however, stated that there were no fatalities in Duma Hospital that day (paragraph 8.53).
 - There is a considerable discrepancy in the estimated number of deaths (paragraph 8.67), which ranges from 43 to 70.
 - According to paragraph 8.41, interviews were held with 39 witnesses, 13 of them in Damascus. The report does not indicate where the other interviews took place. As in previous reports, the Syrian Arab Republic implicitly stands accused. The incident is portrayed as the result of aerial bombardment, on the strength of one witness who saw a yellow barrel bomb falling from the sky. Yet no attention is given to the other witnesses who were interviewed by the Mission.
 - Nowhere does the report point out that the injured victims who were brought to The Hague to be interviewed were the very same people who appeared, as injured people and medical rescue staff, in the video circulated by the foreign media channels that publicized the alleged incident.
 - The report assumes that chlorine was used in the alleged incident; but that assumption is based on the statements of witnesses who come from the armed terrorist groups or their State sponsors. Nowhere in the report is there confirmed material evidence that chlorine was used as a weapon. However, judgments should be based on certainty, not on assumptions, guesswork, subjective speculation or false witness.
 - The Syrian Arab Republic facilitated the Mission’s work in every way. It had hoped that the Mission would reach logical and professional conclusions, that it would eschew pressure and politicization, and that its report would not be ridden with fallacies and spurious claims.

The Syrian Arab Republic calls on States members of OPCW to expose and give no credence to such reports, which lack all credibility. It urges the Technical Secretariat of OPCW to select members of the Mission who are impartial, professional, neutral and committed to the terms of reference set forth in the Convention.

The Syrian Arab Republic reiterates that it is strongly opposed to the use of chemical weapons, wherever and whenever it occurs, irrespective of the pretext. It categorically rejects the Mission's findings. It will, however, continue to cooperate with the Technical Secretariat of OPCW to fulfil its obligations under the Chemical Weapons Convention.

I should be grateful if the present letter could be issued as a document of the Security Council.

(Signed) **Bashar Ja'afari**
Ambassador
Permanent Representative
