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**Identical letters dated 3 May 2021 from the Secretary-General
addressed to the President of the General Assembly and the
President of the Security Council**

I have the honour to convey herewith a letter dated 28 April 2021, which I received from the Director General of the Organisation for the Prohibition of Chemical Weapons (OPCW) (see annex).

The letter transmits decision C-25/DEC.9, entitled “Addressing the Possession and Use of Chemical Weapons by the Syrian Arab Republic”, adopted on 21 April 2021 by the OPCW Conference of the States Parties at its twenty-fifth session.

I should be grateful if you would bring the present letter and its annex to the attention of the members of the General Assembly and the Security Council, pursuant to paragraph 12 of the aforementioned decision of the Conference of the States Parties.

(Signed) António **Guterres**



Annex

I have the honour to transmit to you the decision taken by the Conference of the States Parties of the Organisation for the Prohibition of Chemical Weapons (OPCW) at its twenty-fifth session, entitled “Addressing the Possession and Use of Chemical Weapons by the Syrian Arab Republic” (see enclosure).

(Signed) Fernando **Arias**

Enclosure

Decision entitled “Addressing the Possession and Use of Chemical Weapons by the Syrian Arab Republic”

The Conference of the States Parties,

Reaffirming the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (hereinafter “the Convention”);

Determined for the sake of all humanity, through the implementation of the provisions of the Convention, to exclude completely the possibility of the use of chemical weapons;

Recalling the obligations of the States Parties under Article I of the Convention;

Recalling that, pursuant to subparagraph 1(a)(i) of Article III of the Convention, each State Party shall submit, inter alia, to the Organisation the following declarations, in which it shall, with respect to chemical weapons, “[d]eclare whether it owns or possesses any chemical weapons, or whether there are any chemical weapons located in any place under its jurisdiction or control”;

Recalling that, pursuant to paragraph 7 of Article VII of the Convention, each State Party undertakes to cooperate with the Organisation in the exercise of all its functions and in particular to provide assistance to the Technical Secretariat (hereinafter “the Secretariat”);

Recognising that, pursuant to paragraph 20 of Article VIII of the Convention, the Conference of the States Parties (hereinafter “the Conference”) shall review compliance with the Convention and **recognising also** that, pursuant to subparagraph 21(k) of Article VIII of the Convention, the Conference shall take the necessary measures to ensure compliance with the Convention and to redress and remedy any situation which contravenes the provisions of the Convention, in accordance with Article XII;

Recalling that, pursuant to paragraph 35 of Article VIII of the Convention, the Executive Council (hereinafter “the Council”) shall consider any issue or matter within its competence affecting the Convention and its implementation, including concerns regarding compliance, and cases of non-compliance;

Recalling that, pursuant to paragraph 36 of Article VIII of the Convention, in its consideration of doubts or concerns regarding compliance and cases of non-compliance, the Council shall, as appropriate, request the State Party involved to take measures to redress the situation within a specified time, and to the extent that the Council considers further action to be necessary, it shall, inter alia, make recommendations to the Conference regarding measures to redress the situation and to ensure compliance;

Recalling that, pursuant to paragraph 2 of Article XII of the Convention, in cases where a State Party has been requested by the Council to take measures to redress a situation raising problems with regard to its compliance, and where the State Party fails to fulfil the request within the specified time, the Conference may, inter alia, upon the recommendation of the Council, restrict or suspend the State Party’s rights and privileges under the Convention until it undertakes the necessary action to conform with its obligations under the Convention;

Recalling the decision of the Council “Destruction of Syrian Chemical Weapons” (EC-M-33/DEC.1, dated 27 September 2013) and United Nations Security Council

resolution [2118 \(2013\)](#), which address the declaration and destruction of all chemical weapons as well as related facilities and equipment held by the Syrian Arab Republic;

Recalling the decision of the Council “OPCW-United Nations Joint Investigative Mechanism Reports on Chemical Weapons Use in the Syrian Arab Republic” (EC-83/DEC.5, dated 11 November 2016) concerning the findings of the OPCW-United Nations Joint Investigative Mechanism that the Syrian Arab Armed Forces were responsible for the use of toxic chemicals as weapons in three attacks in the Syrian Arab Republic in 2014 and 2015, and **recalling also** the OPCW-United Nations Joint Investigative Mechanism report of 26 October 2017 which concluded that the Syrian Arab Republic was responsible for the use of the chemical weapon sarin on 4 April 2017 in Khan Shaykhun, the Syrian Arab Republic;

Recalling the decision of the Conference at its Fourth Special Session “Addressing the Threat from Chemical Weapons Use” (C-SS-4/DEC.3, dated 27 June 2018), and **recalling also** that in paragraph 10 of this decision the Conference directed the Secretariat to put in place arrangements to identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic by identifying and reporting on all information potentially relevant to the origin of those chemical weapons in those instances in which the OPCW Fact-Finding Mission in Syria (FFM) determines or has determined that use or likely use occurred, and cases for which the OPCW-United Nations Joint Investigative Mechanism has not issued a report;

Noting that, pursuant to paragraph 12 of decision C-SS-4/DEC.3, the Secretariat shall preserve and provide information to the International, Impartial, and Independent Mechanism (IIIM), the investigation mechanism established by the United Nations General Assembly in resolution [71/248](#) (2016), as well as to any relevant investigatory entities established under the auspices of the United Nations;

Noting with satisfaction the establishment by the Director-General of the OPCW Investigation and Identification Team (IIT) (EC-91/S/3, dated 28 June 2019) in implementation of paragraph 10 of decision C-SS-4/DEC.3;

Fully cognizant of the findings of the FFM regarding chemical weapons use in Ltamenah, the Syrian Arab Republic, occurring on 24, 25, and 30 March 2017 (S/1548/2017, dated 2 November 2017 and S/1636/2018*, dated 13 June 2018), and **seized** with the findings of the IIT, which concluded that there are reasonable grounds to believe that the Syrian Arab Republic used chemical weapons on these occasions (S/1867/2020, dated 8 April 2020);

Recalling that the Secretariat, pursuant to paragraph 10 of decision C-SS-4/DEC.3, has provided the first report of the IIT to the Council as well as to the United Nations Secretary-General for their consideration (EC-94/S/5, dated 8 April 2020);

Recalling that paragraph 40 of Article VIII of the Convention requires the Secretariat to inform the Council of any problem that has arisen with regard to the discharge of its functions, including doubts, ambiguities, or uncertainties about compliance with the Convention that have come to its notice in the performance of its verification activities and that it has been unable to resolve or clarify through consultations with the State Party concerned, and **recalling also** the Opening Statement by the Director-General to the Ninety-Fourth Session of the Council (EC-94/DG.23, dated 7 July 2020) reporting that, considering all identified gaps, inconsistencies, and discrepancies, the Secretariat remains unable to confirm that the Syrian Arab Republic has submitted an initial declaration that can be considered accurate and complete in accordance with the Convention, Council decision EC-M-33/DEC.1, and United Nations Security Council resolution [2118 \(2013\)](#);

Noting that, in response to findings by the OPCW-United Nations Joint Investigative Mechanism of chemical weapons use by the Syrian Arab Republic, the Council in decision EC-83/DEC.5 decided to place the item “Elimination of the Syrian Chemical Weapons Programme” on the agenda of all its future regular sessions until the Council determines that all elements of the Syrian chemical weapons programme have been eliminated, and **noting also** that under this agenda item the Council has regularly consulted with the Syrian Arab Republic regarding its continued possession and use of chemical weapons;

Recalling the decision of the Council “Addressing the Possession and Use of Chemical Weapons by the Syrian Arab Republic” (EC-94/DEC.2, dated 9 July 2020);

Recalling that in paragraph 5 of decision EC-94/DEC.2 the Council, pursuant to paragraph 36 of Article VIII of the Convention, decided to request that the Syrian Arab Republic complete certain measures within 90 days of that decision in order to redress the situation, and **recalling also** that in paragraph 6 of decision EC-94/DEC.2 the Council decided that the Director-General shall report to the Council and all States Parties, within 100 days of the decision, on whether the Syrian Arab Republic has completed all of the measures; and **recalling further** that in paragraph 7 of decision EC-94/DEC.2 the Council decided, if the Director-General reported that the Syrian Arab Republic failed to complete all of the measures set out in paragraph 5 of that decision, to recommend to the Conference to adopt a decision at its next session which undertakes appropriate action, pursuant to paragraph 2 of Article XII of the Convention, with respect to the Syrian Arab Republic;

Expressing its full support and appreciation for the professional, impartial, and independent work of the Director-General and the Secretariat; and

Expressing its deepest sympathy for the victims of chemical weapons use;

Hereby:

1. **Condemns in the strongest possible terms** the use of chemical weapons by anyone, under any circumstances, emphasising that any use of chemical weapons anywhere, at any time, by anyone, and under any circumstances is unacceptable and contravenes international norms and standards;

2. **Condemns** the use of chemical weapons as reported by the IIT, which concluded that there are reasonable grounds to believe that the Syrian Arab Republic used chemical weapons, and in particular:

(a) At approximately 6:00 on 24 March 2017, an Su-22 military airplane belonging to the 50th Brigade of the 22nd Air Division of the Syrian Arab Air Force, departing from Shayrat airbase, dropped an M4000 aerial bomb containing sarin in southern Ltamenah, affecting at least 16 persons;

(b) At approximately 15:00 on 25 March 2017, a helicopter of the Syrian Arab Air Force, departing from Hama airbase, dropped a cylinder on the Ltamenah hospital; the cylinder broke into the hospital through its roof, ruptured, and released chlorine, affecting at least 30 persons; and

(c) At approximately 6:00 on 30 March 2017, an Su-22 military airplane belonging to the 50th Brigade of the 22nd Air Division of the Syrian Arab Air Force, departing from Shayrat airbase, dropped an M4000 aerial bomb containing sarin in southern Ltamenah, affecting at least 60 persons;

3. **Expresses grave concern** regarding those situations which contravene the provisions of the Convention, as reviewed by the Conference;

4. **Expresses deep concern** that the use of such chemical weapons by the Syrian Arab Republic, by direct implication, establishes that the Syrian Arab Republic failed to declare and destroy all of its chemical weapons and chemical weapons production facilities, and **demand**s that the Syrian Arab Republic immediately cease all use of chemical weapons and that the Syrian Arab Republic comply fully with its obligations under the Convention;

5. **Expresses grave concern** that, pursuant to paragraph 6 of decision EC-94/DEC.2, the Director-General reported in document EC-96/DG.1 (dated 14 October 2020) that:

(a) With regard to subparagraph 5(a) of EC-94/DEC.2, within the 90 days set therein, the Syrian Arab Republic has not declared to the Secretariat any facilities where the chemical weapons, including precursors, munitions, and devices, used in the 24, 25, and 30 March 2017 attacks, were developed, produced, stockpiled, and operationally stored for delivery;

(b) With regard to subparagraph 5(b) of EC-94/DEC.2, within the 90 days set therein, the Syrian Arab Republic has not declared to the Secretariat any chemical weapons it currently possesses, including sarin, sarin precursors, and chlorine that is not intended for purposes not prohibited under the Convention, nor any chemical weapons production facilities or other related facilities; and

(c) With regard to subparagraph 5(c) of EC-94/DEC.2, within the 90 days set therein, the Syrian Arab Republic has not resolved all of the outstanding issues regarding its initial declaration of its chemical weapons stockpile and programme;

6. **Expresses deep concern** that the Syrian Arab Republic did not cooperate with, and provide access to, the IIT as required by United Nations Security Council resolution [2118 \(2013\)](#), and **demand**s that the Syrian Arab Republic cooperate fully with the Secretariat, including in relation to the ongoing work of the IIT;

7. **Decides**, after careful review, and without prejudice to the Syrian Arab Republic's obligations under the Convention, pursuant to paragraph 21(k) of Article VIII and paragraph 2 of Article XII of the Convention, to suspend the following rights and privileges of the Syrian Arab Republic under the Convention:

(a) to vote in the Conference and the Council;

(b) to stand for election to the Council; and

(c) to hold any office of the Conference, the Council, or any subsidiary organs;

8. **Decides** that the Director-General shall regularly report to the Council and States Parties on whether the Syrian Arab Republic has completed all of the measures contained in paragraph 5 of Council decision EC-94/DEC.2, and **decides also** that the rights and privileges of the Syrian Arab Republic suspended in paragraph 7 above are reinstated by the Conference once the Director-General has reported to the Council that the Syrian Arab Republic has completed all of these measures;

9. **Reaffirms** that those individuals responsible for the use of chemical weapons must be held accountable, and **emphasises** the importance of bringing to justice those individuals responsible for the uses of chemical weapons found by the IIT to have been perpetrated by the Syrian Arab Republic, including those who ordered such attacks;

10. **Emphasises further** the importance of affording the greatest measure of assistance in connection with criminal investigations or criminal proceedings in accordance with international law relating to the chemical weapons attacks found by the IIT to have been perpetrated by the Syrian Arab Republic;

11. **Expresses its full support** for relevant investigatory entities established under the auspices of the United Nations, **welcomes** the memorandum of understanding concluded between the OPCW and the IIIM, whose mandate is to “assist in the investigation and prosecution of persons responsible for the most serious crimes under international law committed in the Syrian Arab Republic since March 2011”;
 12. **Decides** that the Director-General shall provide a copy of this decision to all States Parties and to the United Nations Security Council and the United Nations General Assembly through the United Nations Secretary-General; and
 13. **Decides** to remain seized of this matter.
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