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NOTE BY THE TECHNICAL SECRETARIAT

**SUMMARY REPORT OF THE WORK OF THE
OPCW FACT-FINDING MISSION IN SYRIA
COVERING THE PERIOD FROM 3 TO 31 MAY 2014**

1. On 29 April 2014, the Director-General announced the creation of an OPCW Fact-Finding Mission in Syria. The Mission was mandated to establish the facts surrounding allegations of the use of toxic chemicals, reportedly chlorine, for hostile purposes in the Syrian Arab Republic.
2. The summary report of the Fact-Finding Mission is hereby circulated for the information of States Parties to the Chemical Weapons Convention.

Annexes:

- Annex 1: Cover Note by the Head of the OPCW Fact-Finding Mission in Syria
Annex 2: Summary Report of the Work of the OPCW Fact-Finding Mission in Syria
Covering the Period from 3 to 31 May



Annex 1

**COVER NOTE BY THE HEAD
OF THE OPCW FACT-FINDING MISSION IN SYRIA**

16 June 2014

Director-General,

Submitted herewith for your perusal and action as deemed appropriate is a summary report of the OPCW Fact-Finding Mission in Syria covering the period from 3 to 31 May 2014.

Malik Ellahi
Head of the FFM

Annex 2

SUMMARY REPORT OF THE WORK OF THE OPCW FACT-FINDING MISSION IN SYRIA COVERING THE PERIOD FROM 3 TO 31 MAY 2014

Introduction

1. With repeated allegations of the use of toxic chemicals for hostile purposes at a number of locations in the Syrian Arab Republic, on 29 April 2014 the Director-General announced the formation of a Fact-Finding Mission (FFM), “to establish facts surrounding allegations of use of chlorine in the Syrian Arab Republic”. The allegations mainly referred to the use of chlorine in a number of provinces that the Syrian Government does not consider to be under its effective control, more specifically, in Hama, Idlib, and Rif Damascus.
2. The Syrian Government, which had given its consent for the FFM, also agreed to the “terms of reference” that would govern its work. Apart from the necessary legal guarantees that would allow the FFM to execute its mandate, including security assurances for areas under governmental control, the terms of reference outlined the activities that the FFM was expected to undertake.
3. The FFM was set up with the full awareness that, being the first OPCW-led mission that would physically cross confrontational lines, it would face unprecedented security risks. The official OPCW press release regarding the FFM stated that “[t]he mission will carry out its work in the most challenging circumstances.”

Basis for the FFM

4. While offering a constructive means of clarifying the aforementioned allegations, the establishment of the FFM was based on the general authority of the OPCW Director-General to seek to uphold at all times the object and purpose of the Chemical Weapons Convention; this authority is reinforced in the present instance by the relevant decisions of the OPCW Executive Council and the United Nations Security Council resolution (UNSCR) 2118 (2013); the general endorsement by the Executive Council of the FFM; and its acceptance by the State Party concerned through an exchange of letters on the subject between the Director-General and the Government of the Syrian Arab Republic, dated 1 and 10 May 2014, respectively.

Cooperation with the United Nations

5. Following consultations with the Director-General, on 26 April 2014, the United Nations Secretary-General pledged full support for the FFM by the United Nations. The modalities of this support are outlined in letters between the Director-General and the Secretary-General dated 25 April, and 2 and 5 May.
6. The support by the United Nations encompasses: the provision of safety and security support and advice to the OPCW; the provision of logistical support; and assistance with liaising and coordinating, in particular, with opposition representatives on the security, logistical, and operational aspects of the OPCW FFM, as may be required, for the safe access and movement of OPCW personnel, any accompanying United

Nations personnel, and their equipment and samples within the areas to be visited in the Syrian Arab Republic, including liaising with the opposition representatives for the purposes of making available persons for interviews.

7. The FFM received the full cooperation and support of the United Nations, and the staff assigned to work with the Team displayed a high standard of professionalism and commitment.

FFM Strategic Concept of Operations

8. In order to state unambiguously the aims and objectives of the FFM and to create a framework for the FFM's operational concept, planning, and implementation, including the possibility of field visits, an internal document entitled "FFM Strategic Concept of Operations (CONOPS)" was drafted and finalised.
9. The CONOPS describes the establishment by the Director-General of the FFM as signaling "the determination of the OPCW that, despite the difficult security situation prevailing in the SAR, it will take serious notice of allegations of use of chemical weapons. By making every effort to bring to light the facts surrounding these allegations, the international community can bring to bear its influence on those who might consider such actions immune from censure".

Conceptual considerations, including selection of sites; preparation and conduct of site visits

10. Due to its manifold civilian applications, chlorine is a widely available chemical. It is a chemical that is non-persistent, making conclusive evidence of its use a challenging task.
11. Given this fact, the conduct of site visits at the locations of the alleged incidents was considered a key source for gathering as much evidence and as many facts surrounding the allegations as possible. To this end, the planned FFM activities at the locations included:
 - (a) the conduct of interviews with casualties of the alleged incidents, as well as first responders, treating physicians, and eye witnesses to the incident;
 - (b) the collection, review, and analysis of documentation relevant to the alleged incidents, including clinical histories, admission records, and investigation reports of casualties and autopsy findings, if available, of victims;
 - (c) the collection of samples, including biomedical and post-mortem, as required, of alleged casualties/victims; and
 - (d) the collection of environmental samples; and
 - (e) the review and analysis of munitions or remnants of munitions reportedly used to carry out the attacks, if deemed feasible and safe.

12. All reported incidents took place at locations that the Syrian Government considers to be outside its effective control. Therefore, elements considered crucial for the success of the FFM were identified as:
- (a) identification of key actors, such as local authorities and/or representatives of armed opposition groups in charge of the territories in which these locations are situated;
 - (b) establishment of contacts with these groups in an atmosphere of mutual trust and confidence that allows the mandate and objectives of the FFM to be communicated;
 - (c) provision of credible assurances of safe access and passage and/or escort for the FFM Team on the part of the armed groups in charge of the relevant areas and willingness and agreement by the armed groups to allow for and actively prepare the work of the FFM Team on the ground prior to the Team's entry; and
 - (d) assurances by the Syrian Arab Republic for escort to the last checkpoint prior to entry into areas the Syrian Government considers outside its effective control and escort upon exit from these territories.
13. Furthermore, the field operation(s) associated with access to the alleged locations, and the carrying out of the planned activities on site, were envisaged to be conducted under conditions of an active war zone, namely, in a dynamic high-risk security environment involving various factions of armed opposition groups, as well as numerous and shifting confrontation lines.
14. With a view to managing the practical aspects of safe access and passage to the selected locations, and the safety and security of the FFM members throughout the operation, the Office of United Nations Department of Safety and Security (UNDSS) in the Syrian Arab Republic (hereinafter "UNDSS Syria"), which is in charge of the Security Cell for the FFM, was to prepare and manage a multi-layered security concept, including security risk assessments and security and contingency plans, and coordinate the integration of aspects related to communications and logistics into the security planning process.
15. The FFM could request access to sites other than those initially identified in the terms of reference.

Safety and security of the FFM

16. The safety, security, and well-being of the FFM staff being a high priority while enabling the effective discharge of their operations, the entire work of the FFM was placed under the framework of the United Nations Security Management System (UNSMS) and the direction of the Designated Official (DO) for the Syrian Arab Republic.

17. UNDSS Syria provided advice, guidance and technical assistance. To this end, UNDSS Syria dedicated a security cell to the FFM coordinated by the Chief Security Adviser (CSA) of UNDSS Syria, under the overall authority and guidance of the United Nations DO, who also serves as the Resident Coordinator (RO) for Syria.
18. The ultimate authority to take a “go/no go” decision, accepting the risk level of deployment for a field mission, rested with the Director-General and the Secretary-General in accordance with the UNSMS accountability framework.
19. The Advance Team established contacts with representatives of UNDSS Syria, including the DO and the CSA, immediately upon arrival in Damascus, and engaged in a regular close consultation process with the UNDSS on all matters related to security and safety of the FFM, including through the designated FFM Security Cell.

Activities of the FFM

20. Upon arrival in Damascus on 3 May 2014, the Advance Team commenced preparations and planning of activities. These included preparations for the deployment of the remainder of the Team and the initial collection and analysis of information and identification of options and next steps, in particular with regard to site visits. The Advance Team established contacts with representatives of the Government of the Syrian Arab Republic, various components of the United Nations, and other relevant actors in order to gather information and to select suitable locations for possible field visits.

Meetings with the Government of the Syrian Arab Republic

21. The Vice Minister of the Syrian Arab Republic, H.E. Mr Faisal Mekdad, invited the OPCW Advance Team to a meeting at the Foreign Ministry on 4 May 2014. The meeting was attended, inter alia, by officials of the Ministry of Foreign Affairs, including General Hassan Al-Sharif, and the Ministry of Defence of the Syrian Arab Republic.
22. The Minister welcomed the Team to the Syrian Arab Republic and noted the mutual determination to achieve the success of the FFM, as well as the expectation that the FFM would be conducted in an independent and impartial manner. Furthermore, the Minister stated that the FFM was supported at the highest level of Syrian authorities, including the political and military levels, and expressed his Government’s commitment to providing all necessary support, in particular as regards the security and protection of the Team. He informed the Team that the Government had learned about the alleged incidents of use of chlorine from some States and that their own enquiries had not yielded any reports of the hospitalisation of victims or reports by local authorities to that effect. He added that this enquiry excluded field hospitals in rebel-held areas. The Minister further stated that a National Commission had been established to investigate any further incidents that might occur in the future.
23. Over the course of the following days, the Advance Team met with General Al-Sharif and his team. In these meetings, the position of the Syrian Government that armed terrorist groups, some of which included foreigners, were engaged in efforts to obtain and use toxic chemicals was elaborated upon. Incidents of smuggling of certain

chemicals across the borders from neighbouring countries were highlighted. The FFM members were also informed that at two locations, in Tartous and Al-Bayda, chemicals had been captured from armed opposition groups (AOGs) and that a chlorine-producing plant located some 40 kilometers from Aleppo had been seized by armed groups. The delegation presented a video at the meeting showing an apparently abandoned plant being visited by a camera crew from one of the AOGs interviewing two guards at the facility. The General further recalled that, on 8 December 2012, the Syrian Permanent Representative to the United Nations in New York had asked for the United Nations Supervision Mission in Syria (UNSMIS) to make an inventory of the chemicals at the plant. The UNSMIS contingent heading for the plant was fired upon and the effort was aborted.

24. In addition, several videos from social media websites and other open source information was provided to the FFM in support of the position of the Syrian Government, together with other documents, such as reports about intercepted communications.
25. These discussions concluded with the FFM stressing the importance of primary material, preferably Government documentation that would serve to validate some of the material, such as original transcripts of the intercepts and additional information regarding the confiscated chemicals at Tartous and Al Bayda. The FFM undertook to reflect in its report the perception of the Syrian Government regarding the threat from non-State actors seeking to obtain and use toxic chemicals for unlawful purposes. It will also look into the requests made by the Syrian Government to follow up on some of the information that it has provided.

Team preparations in Damascus

26. By 18 May, the FFM team had reached full strength. The FFM office was set up at the Four Seasons Hotel.
27. The work of the Team and preparations for field visits commenced, with planning briefings for the Team members and the distribution of tasks, immediately upon arrival. The Team undertook preparations for field activities during site visits, including operational planning and arrangements to conduct interviews with casualties, as well as first responders, treating physicians, and eye witnesses; the collection, review, and analysis of documentation relevant to the alleged incidents, including clinical histories, admission records, and investigation reports of casualties and autopsy findings, if available, of victims; the collection of samples, including biomedical and post-mortem, as required, of alleged casualties/victims to this end; and the collection of environmental samples, and the review and analysis, if deemed feasible and safe to do so, of munitions or remnants of munitions reportedly used to carry out the attacks.
28. The Team also continued to deepen its contacts with relevant components of the United Nations relevant to the preparation of field visits. With these elements in the lead, contacts were established and maintained with representatives of the opposition for preparations to carry out site visits; and contacts were maintained with

representatives of the Government of the Syrian Arab Republic, with a view to preparing for site visits.

29. In close consultation with the UNDSS, the FFM reviewed and identified options for the selection of suitable locations for site visits and commenced planning and preparation of documentation required under the UNSMS.

Selection of locations for site visits

30. On 19 May, it was decided that the first on-site field mission would be conducted on 22 May to Harasta, which was one of the first locations to have been allegedly attacked with chlorine and was also located close to Damascus. Since the arrival of the FFM in early May, no further attacks had been reported. However, on that same day, allegations of a new attack on the town of Kafr Zeyta came to light. This was followed by another allegation on 21 May of an attack on the nearby town of Al-Lataminah. As its contacts with representatives of the opposition were already well under way, the FFM was in a position to establish contacts with two treating physicians in Kafr Zeyta and obtained their verbal medical reports relating to the treatment of individuals allegedly affected by exposure to chlorine. In addition, the Team was also able to review video footage covering the alleged attack, as well as showing items reported to be the remnants of the munitions used, as well as some that remained intact. On the same day, the FFM decided to change its plans and to head to Kafr Zeyta instead of Harasta. This decision was welcomed by the opposition.

Notification to the Syrian Government and safety and security arrangements

31. On 19 and 20 May, the entire FFM Team, including OPCW and UN components, underwent two-day pre-mission Safe and Secure Approaches in Field Environments (SSAFE)/Security Awareness Induction Training (SAIT), including modules on mine/UXO¹ awareness as well as training on communications during field activities.
32. On 22 May, the FFM submitted a note verbale to the Syrian Ministry of Foreign Affairs informing the Government of the likely date of the mission to Kafr Zeyta, then planned for Sunday, 25 May, and requesting the initiation of arrangements, including a cease fire, to ensure the safe movement and travel of the team to Homs, where it would break its journey for the night, before proceeding the next day for the site visit.
33. The Head of the FFM met General Al-Sharif the next day to further discuss and finalise the necessary arrangements.
34. Contacts with representatives of the opposition continued and satisfactory understandings were reached regarding the concrete arrangements during the field mission. The Team established contact with two treating physicians through interlocutors, and they agreed to make arrangements in a local hospital for the Team would carry out its work. They also agreed to share their medical credentials, various clinical records of affected individuals, investigation reports, and blood samples collected immediately after the incident.

¹ UXO = unexploded ordnance.

35. The local authorities and treating physicians also agreed to make arrangements to enable the Team to conduct interviews with individuals from the pre-identified target groups (victims, first responders, treating physicians, and witnesses) on site and, as applicable, to carry out medical sampling. To this end, the Team prepared specific interview packages for each group of individuals.
36. On 23 May, a conference call was held with all key players involved in the security arrangements from the side of the opposition, and their commitment to these arrangements was confirmed.
37. The Mission Security Clearance Request (MSCR) was finalised by the UNDSS and submitted through the OPCW Office of Confidentiality and Security to the Director-General, who signed it. The MSCR was also approved by the United Nations Under-Secretary-General in charge of the UNDSS.
38. Given the mission's rating as "Very High Risk Mission", key risks were identified and associated applicable risk-mitigating measures were adopted.
39. The arrangements leading to the site visit of 27 May included a number of follow-up meetings with the Syrian authorities, who continued to offer their full support while cautioning that reliable arrangements might not be possible in dealing with armed groups.
40. On 24 May, two meetings were held with the hosts in the morning, covering the most feasible route to Kafr Zeyta.
41. The road to Homs was described as completely safe by the General. The discussion focused on the route to be taken from Homs to Kafr Zeyta. The Syrian Government's preferred route was identified.
42. In the afternoon, the General's Deputy met with the Team Leader and the Security Adviser and discussed further details about the identified route, especially the access road leading into Kafr Zeyta.
43. Various routes had been under discussion with the opposition. The selected route, including the access road, was agreed with two major groups operating in the area. They informed the team that they would also make arrangements with some other field commanders heading different armed factions in the area.
44. The date for the field mission was finally fixed for 27 May. The Concept of Operations for Kafr Zeyta was reviewed and finalised between the Head of Mission and the Team Leader and shared with the team focusing on convoy security, communication procedures, sequence of activities on the ground, and sub-team assignments. Since Kafr Zeyta had by then been subjected to a number of alleged attacks, there were several locations of interest, as well as a number of munition remnants and alleged devices claimed to be more or less intact, with cylinders inside tubular shaped encasings.

45. The route map that clearly identifies the access road was fully shared with both the Government of the Syrian Arab Republic and the opposition interlocutors.
46. In a letter dated 25 May, the National Authority of the Syrian Arab Republic informed the FFM that, on 19 May, an armed group had tested a “locally made rocket with a gas cylinder warhead”, which had resulted in a toxic release. The letter also claimed that the Syrian Government had come across information on the existence of barrels containing chlorine gas in a certain house owned by an individual in the town of Kafr Zeyta, together with other unidentified canisters stored at another location. The Team was requested to inspect these locations when it arrived in Kafr Zeyta.
47. A day prior to the field visit, both the Government of the Syrian Arab Republic and the opposition confirmed in writing their commitment to observe a cease fire on 27 May 2014.

Incident of 27 May

48. The composition of the FFM convoy for the cross-line mission was six (6) armoured vehicles; four (4) of these were to cross into the designated mission area and the other two (2) were to remain at the last Syrian Government checkpoint with a Syrian Government ambulance. The mission arrived in Homs from Damascus on 26 May. On 27 May, it departed from the hotel in Homs at 7:10 and arrived at the last Syrian Government checkpoint at 9:20.
49. From this point, an escort arranged by the Syrian Government led the OPCW FFM convoy towards the perimeter of the town of Tayyibat-Al-Imam, where he stopped, signalling the way to Kafr Zeyta, and then left, taking another road. While travelling through the town, the team did not observe any unusual or suspicious circumstances. The convoy continued on the planned route towards the agreed point of meeting with the opposition escort, which was located between the Tayyibat-Al-Imam and Al-Lataminah villages. Approximately 1,000 meters of the agreed road lay ahead. With a slight incline in the road, it appeared possible that the opposition contacts might not be visible. In order to overcome the visual disadvantage due to the terrain gradient and in order to establish a direct line of sight, the first vehicle in the convoy proceeded ahead, with the second vehicle waiting some distance behind and the rest of the convoy still further back. At 9:35, the leading vehicle was struck by an improvised explosive device, causing severe damage to the vehicle but no injuries to the occupants except for minor soft-tissue injuries to the left arm of the driver.
50. After the occupants were evacuated into the other vehicles, the convoy made an effort to return to safety. On re-entering the town, the first vehicle in this convoy was attacked with automatic gun fire. While this vehicle managed to get away, some distance ahead from the point of the shooting, the remaining two vehicles were intercepted by armed gunmen and members of the team detained for some time. Upon the intervention of the opposition group with which the arrangements for the visit had been made, all team members were released unharmed.
51. Given the circumstances and the loss of time, together with the approaching deadline for the end of the cease fire, the field mission was aborted and the team returned to Damascus via Homs.

Conclusions

52. The FFM has reviewed the information available to it, including that in the public domain relating to the several similar incidents. Some of this information seems to corroborate the testimonies provided by the treating physicians with whom the FFM was able to establish contact. The similarities in the witness accounts reviewed over the course of time became conspicuous. It is for this reason that, despite the high risk involved, the FFM decided to conduct a field visit to Kafr Zeyta—the town that seemed most affected by incidents of use of chlorine and that was most likely to yield evidence that was fresh from the most recent reported attacks. A field visit would have enabled the Team to collect for themselves clinical and environmental evidence and to authenticate information already available in the public domain, including information relevant to the munitions and the possible mode of deployment.
53. The attack on the Team and the resulting denial of access to the FFM prevents it from presenting definitive conclusions. It is nonetheless the considered view of the FFM that the available information cannot be dismissed as unconnected, random, or of a nature attributable to purely political motives. This information lends credence to the view that toxic chemicals, most likely pulmonary irritating agents such as chlorine, have been used in a systematic manner in a number of attacks.
54. The Director-General has taken the decision for the FFM to continue its work “by closely monitoring the situation and using all possible means to gather information and data in order to establish the facts surrounding allegations of the use of chlorine in Syria”. The Mission is now planning the next steps. On a preliminary basis, the FFM will continue its interactions with all interested parties in order to advance the objectives of a logical and systematic inquiry.
55. While field visits are not envisaged for the immediate future, these remain an option.

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