OPCW and Syria (Douma)

Dear Ambassador and Permanent Representative to the OPCW,

In February of this year, we reminded the OPCW and its member states that the serious issues raised regarding the Douma Fact Finding Mission and its investigation of the alleged chlorine gas attack of the 7 April 2018 are still to be addressed. These included, but are not limited to, the following:

- The deliberate attempt to publish a falsified report.
- The censorship of expert toxicology opinion which ruled out chlorine gas as the cause of the fatalities
- The absence of scientific review and oversight of the Douma investigation
- The conduct of the investigation outside the framework of the CWC.

Full details can be read in the attached reports. These are also available online (links here and here).

Since then, the Administrative Tribunal of the International Labour Organisation in Geneva (ILOAT) has found that the OPCW unlawfully sanctioned former OPCW Team Leader and senior scientist Dr Brendan Whelan for alleged breaches of confidentiality related to the Douma investigation and was ordered to pay him moral damages and legal costs. Through the legal proceedings, the following facts were established:

1. That the OPCW not only wrongly impugned Dr. Whelan, but that it also withdrew its allegations that he contributed to the leaking of confidential information, a claim made to Member States on 6 February 2020 by the OPCW Director General. This claim is now shown to be unfounded. (see link here)
2. That the OPCW did censor the expert toxicology opinion referred to above. (see link here)
3. That at least one member of the team (Whelan) who had protested the unethical conduct of the Douma investigation was promptly sidelined while still a member of that team. (see link here)

Aside from the demonstrable misconduct of the OPCW, confirmation that critical toxicology advice was censored remains of grave concern because, had it been included in the final report on Douma, it would have challenged the conclusion that there were “reasonable” grounds the alleged attack occurred.

This cherry picking of evidence calls into question not just the scientific thoroughness, but the very integrity of the Fact-Finding investigations and, hence, the objectivity of the OPCW Syria missions in general. This issue is made even more pressing today because of the new claims the OPCW has made about chemical weapons finds in Syria.

We therefore ask once again that the issues raised by the OPCW’s own scientists be addressed in an open, transparent and objective manner. An important start would be to

release full details of the evidence that led to the conclusions of the final report, including, inter alia, full transcripts of all witness interviews (with names redacted), the full reports of experts consulted, the raw data and engineering analysis regarding the two chlorine gas cylinders purported to have been used in the alleged attack, and the rationale for withholding key evidence like the toxicology report from the German experts as well as the levels of chlorinated organic chemicals found in samples.

Finally, the case of the manipulated Douma investigation sits in the context of a wider array of recent geopolitical deceptions, such as the 2023 attack on the Nord Stream pipeline, and ongoing violations of the UN Charter and international criminal law, for example against the Palestinian people and the recent US aggression against Iran. The danger posed to international peace and security is that a partisan OPCW can be used as a trigger mechanism for unjustified military and political actions. This is a matter of the highest concern, especially given the fraught state of international relations and the level of conflict we are now witnessing.

With these points in mind, it is high time that concerted efforts are made to strengthen the UN system and its linked organisations, such as the OPCW and the IAEA, in order to prevent state-led subterfuge and criminality from hindering the UN and others in their attempts to secure international peace and security.

Resolving the Douma controversy would be an important first step in this urgent task.

Yours Sincerely,

Ambassador José Bustani, Professor Richard Falk, Dr. Piers Robinson, Dr. h.c Hans-C. von Sponeck.

BerlinGroup21

