

## **Aaron Mate at UN: OPCW cover-up denies justice to Douma victims**

*Das Transkript gibt möglicherweise aufgrund der Tonqualität oder anderer Faktoren den ursprünglichen Inhalt nicht wortgenau wieder.*

**Aaron Maté:** This is now the third time that I've had the opportunity to address members of the Security Council about the controversy surrounding the OPCW investigation of the alleged chemical attack in Douma. And if I can share one opinion, while I really appreciate this opportunity, I have to say that I find it unfortunate that nearly five years after that alleged incident in Douma, this controversy around the OPCW investigation is still being debated in public rather than being addressed by the OPCW. Because fundamentally, this is a controversy that is internal to the OPCW. And at the heart of it are at least two veteran inspectors from the OPCW with nearly 30 years of combined experience who worked on the Douma investigation, who deployed to Syria for the Douma investigation. And what they say is very simple. They have accused senior officials at the OPCW of suppressing findings from their probe and putting out unsupported conclusions that basically implicate the Syrian government in a chemical attack. And they are not demanding that their own opinions be affirmed as the ultimate truth. They just want the right to be heard. And rather than hearing these inspectors, allowing them to come in and voice their concerns, allowing the OPCW to weigh the findings that were suppressed, the OPCW has refused to meet with them and has even denigrated them in public, which I will get into. So when I talk about the suppression of the Douma probe, there is a long story which I've gone through before you, so I won't repeat the whole story. But let me just illustrate, give you one example of the documented suppression of the findings of the Douma probe, which nobody contests. This is uncontested fact. So the alleged chemical attack happened on April 7th, 2018. Afterwards, OPCW investigators get on the ground, the first time by the way, that a OPCW fact find mission manages to reach the site of an alleged chemical attack in Syria. After they returned to The Hague - and now this account that I'm telling you is based on both public documents and also

leaked documents that have come out. So after the Douma team gets back to The Hague, they do chemical analysis and they discover something very strange. The symptoms of the Douma victims, the people seen in the photographs, they look like they've been subjected to a nerve agent attack. There is profuse foaming from the mouth in several victims. And inside the apartment building where dozens of bodies were filmed, the victims are gathered in piles at the centre of a room. So these are classic signs of a nerve agent attack like sarin. But the OPCW's chemical analysis that comes from its own labs, turns up no traces of any nerve agents whatsoever, including sarin. So the OPCW team has a quandary. You have symptoms of a nerve agent attack, but no evidence of nerve agents in the chemical samples. So they need expertise. So what do they do? They fly to Germany to consult with top military toxicologists for help, and they show these German toxicologists, four of them, photos and videos of the incident in Douma. The Germans very quickly reach an unequivocal conclusion. They conclude that the observed symptoms of the Douma victims have no correlation to chlorine whatsoever. And one member of the Douma team, who is present at this meeting writes in an email subsequently that was leaked - and this member is not one of the dissenting inspectors that we know about. This member is the head of the OPCW laboratory who was not one of the dissenting inspectors that are publicly now. And this head of the OPCW laboratory even reports that one of the Germans raised, quote, "the possibility of a staged attack", unquote, in Douma because, quote, "the circumstances of death for the victims do not match chlorine." So that is one of the members of the OPCW, not one of the dissenting inspectors reporting back that one of these German experts who they consulted pointed out that this could be a staged attack on the grounds that symptoms of the victims do not match chlorine. So the OPCW team puts this into its report. They write up an original report in June 2018, including all their findings, including the assessment of the German toxicologist, that the circumstances of the death and the symptoms displayed in the victims do not match chlorine exposure. What happens to that finding? It gets erased. The OPCW, some unknown senior officials at the OPCW take the original report produced by the Douma team, they erase that finding based on the German toxicologist input, and they add a series of unsupported conclusions suggesting that a chemical attack occurred. And when this is discovered by the dissenting inspector known as Inspector B, his name is Dr. Brendan Whelan, who is the chief author of that original report, protests this deception. And that doctored version of the report is withdrawn, but the German's input that was censored is never ever disclosed publicly. In the final report of the Douma investigation put out in March 2019, the German's input is still missing. Now that final report put out in March 2019, it does say that after the Germans were consulted in June 2018, the OPCW went back and heard from five more toxicologists to get their input. But they don't tell us what these five toxicologists said. All they say, based on the input of these additional toxicologists, is "that it is not currently possible to precisely link the cause of the signs and symptoms to a specific chemical", unquote. Now, this ambiguous language obscures the fact that the German toxicologists who were initially consulted had unequivocally ruled out the specific chemical of chlorine gas. But this FFM report doesn't mention the German toxicologists assessment. And in fact, it even erases the fact that these German toxicologists were consulted. So there's

a detailed timeline of the Douma mission included in that March 2019 report showing all the steps that the OPCW investigation in Douma took. And oddly, that German mission is excluded. It no longer exists. So the dissenting inspectors have been trying first internally to get the OPCW leadership to address this obvious suppression, to get the OPCW to hear their concerns and weigh the evidence that was suppressed. What has the OPCW done in response? They've refused to allow these inspectors to come in. They refused their calls to me, with all the original members of the Douma team, not just the dissenting inspectors. And when other officials, including OPCW veterans, have tried to raise these issues publicly, they've been blocked. In the fall of 2020, the first director general of the OPCW, the founding director general, José Bustani, he tried to speak before members of the U.N. Security Council to share his concerns. Now, he has experience with this issue because he helped design the protocols that the OPCW investigations, like the one in Douma follow. He also has the role of an expertise because these two dissenting inspectors are so experienced with the OPCW that their tenure coincides with that of the founding director general, José Bustani. And what happens to José Bustani? His testimony is blocked. Certain member states here do not allow him to speak. More OPCW officials start to speak out. In March 2021 there is a statement of concern signed by five former OPCW officials, including José Bustani, the founding director general. And this statement says this in part, quote, "The issue at hand threatens to severely damage the reputation and credibility of the OPCW and undermine its vital role in the pursuit of international peace and security. It is simply not tenable for a scientific organisation such as the OPCW to refuse to respond openly to the criticisms and concerns of its own scientists while being associated with attempts to discredit and smear those scientists. We believe that the interests of the OPCW are best served by the director general, providing a transparent and neutral forum in which the concerns of all the investigators can be heard, as well as ensuring that a fully objective and scientific investigation is completed." And again, that's a statement coming from five former OPCW officials, including the founding director general. What is the response of the OPCW to this statement? Well, Hans von Sponeck, who is a former senior U.N. official who spearheaded the statement, he sends that statement to the director general. And Hans von Sponeck has told this council before that he received that letter back to him, "return to sender". The director general refused to even open it. So that's the response of the OPCW. Suppressing its own findings, refusing to allow the dissenting inspectors to be heard. And then when other former OPCW officials weigh in and just try to have the facts addressed, they will not even open up the letter containing that call. And by the way, when that statement of concern referred to efforts to discredit and smear the scientists, that's a reference to an inquiry that the OPCW put out in early 2020 that accused the inspectors of some breaches. One of the inspectors, inspector B, Dr. Brendan Whelan, they accuse him of a breach, but they don't even specify to us what it was and they call these inspectors erroneous and uninformed. But they don't object to a single fact that they've raised. So that is the response of the OPCW so far. Suppressing findings and stonewalling any accountability. So fast forward now to January of this year, and finally we get a response by the OPCW to all the concerns that have been raised in the form of this new report put out by the IIT, the Investigation and Identification Team. The previous speaker raised some issues that surround

the creation of the IIT. I'm going to put that aside and just take IIT's claims at face value and address some of the glaring inconsistencies in those claims. Now, first of all, the IIT mandate is "to identify individuals as well as entities, groups and governments directly or indirectly involved in the use of chemical weapons". That's quoting the IIT report. and also quoting the IIT report, it says, quote, "The IIT understands its mandate to be based on the findings of the fact finding mission." The fact finding mission having produced that final report of March 2018. But if you read the IIT report, there are a number of new claims and even new claims of evidence that are being introduced. So this IIT report is not based on the findings of the FFM. This is, in fact, an attempt to cover the tracks of the FFM. And cover up for all the inconsistencies and glaring holes that were raised by the dissenting inspectors. Let me give a few examples of that, and I can't go through all of them, but let me go through two key areas. So the area of chemistry. So what did the chemical samples tell us about what happened in Douma? Well, to assert that a chemical attack happened in Douma, which is what the IIT concludes, when it comes to chemistry, they base that conclusion on finding what they call a marker chemical, a marker chemical being a signature of chlorine gas. And the so-called marker chemical is named Tetrachloride and Phenol. And the IIT claims to have found this TeCP sample from a single sample of concrete debris taken at location two. Which is the apartment building where the Douma victims were filmed. And the presence of TeCP in that sample, the IIT states, quote, "specifically points to the exposure to chlorine gas". Again, quoting the IIT, quote, "The presence of TeCP clearly points to chlorine gas as being the chlorinating agent present at the scene and in very high concentrations". Okay. Now, I'm not a chemistry expert, so I can't weigh for you the merits of that argument, the TeCP specifically points to the presence of chlorine gas. But what I can tell you is that there are a number of glaring problems with this sample. The first glaring problem is that this new supposed smoking gun marker chemical sample has appeared out of the blue. This is the first time in any OPCW report that this sample is being acknowledged. If you go back to the March 2019 final report, there's a long table of all the samples that were collected by the Douma team and or received by third parties in Douma, and the table tells you whether or not the samples were tested or not. This sample doesn't even appear there. So, amazingly, nearly five years after this alleged incident, all of a sudden, the smoking gun sample that the IIT is basing a critical conclusion on has magically appeared out of the blue. The report tells us even that the OPCW received this sample back in July 2018, in the very early weeks of this probe. Why was it never disclosed back then? Why is there no mention of it in the March 2019 final report? The IIT does not tell us. But then we find something just as glaring. This sample was not collected by the OPCW. The OPCW, as I mentioned earlier, sent a team on the ground who collected samples. They collected dozens of samples. This sample that is now their newfound smoking gun was not collected by them. The OPCW instead tells us it was collected by a third party which doesn't identify. Which is extraordinary. So you're relying on a smoking gun sample that you're disclosing now for the first time that you didn't even collect yourself. This is all the more remarkable because OPCW policy, the foundational protocols of the OPCW, specifically say that the OPCW has to control its own chain of custody. Quoting OPCW protocol: if, quote, "a sample was not under OPCW custody", unquote, at any point

during a mission, quote, “it will not be accepted for OPCW verification purposes”. As one OPCW spokesperson explained back in 2013, the OPCW, quote, “would never get involved in testing samples that our own inspectors don't gather in the field because we need to maintain a chain of custody of samples from the field to the lab to ensure their integrity”. In Douma, that foundational protocol has been violated. What gets even more extraordinary about the OPCW relying on a newly disclosed sample collected by an outside party is that the OPCW collected a sample from that exact same spot. So this extraordinarily useful TeCP sample is described by the OPCW as having been located, quote, “in the room under the crater and the cylinder”. But going back to that March 2019 final report, which lists all the samples of the OPCW to be collected, we learn that the OPCW itself, the own inspectors, collected samples from concrete debris located, quote, in the room under the cylinder. The exact same spot. So the OPCW now is relying on a sample that it is newly disclosing collected by a third party and they're relying on that sample over a sample collected by its own team, collected in the exact same location. Now the OPCW, in relying on the sample, is also overlooking a very key finding. It's actually one of its own findings. So the OPCW claims that the presence of this TeCP sample points to the presence of chlorine gas. But what they overlook is that, again, going back to that March 2019 final report, another TeCP sample was collected, a very similar one, but not in location two, it was collected in the tunnel leading to the hospital. But back then, the OPCW never claimed that the presence of that sample proved chlorine gas. And the ITT is not claiming that the presence of that sample in the tunnel proves chlorine gas. So the OPCW is claiming that the presence of TeCP at location two proves chlorine gas, but they're overlooking the fact that they also discovered TeCP in the tunnel leading to the hospital and they're not claiming that a chlorine gas attack occurred there as well. And there is no effort to explain that contradiction. Now, I said earlier that I'm not in a position to weigh the merits of the claim that the presence of TeCP specifically proved chlorine gas. What I can tell you, though, is that I was given a study from 1992 called Determination of environmental caused Chlorophenol levels in urine of the general population. Now, TeCP is a chlorophenol. And what this study says is that these chlorophenols, including TeCP, are, quote, “constituents of urine of the normal population”. So the claim that the presence of TeCP specifically means that chlorine gas is used, I think is certainly up for debate, as evidenced by the fact that you also can find the same chlorophenol in urine. And moving on to another key area of toxicology, and this goes back to the assessment of the Germans that was suppressed for unexplained reasons. It should be noted that the Germans were not the first experts to raise doubts that chlorine gas was used in Douma. The very first expert publicly to raise doubts comes from the OPCW itself. His name is Professor Alastair Hay. He is a toxicologist. Then at the time of the Douma incident, he was a member of the OPCW Education and Outreach Board. He is highly decorated. He's received the OPCW The Hague Award for his contribution to the Chemical Weapons Convention. And on April 10th, 2018, he was interviewed by The Washington Post about the incident in Douma. And this is what he said. He said: “It's just bodies piled up that is so horrific. There's a young child with foam at the nose and a boy with foam on its mouth. That is much, much more consistent with a nerve agent type exposure than chlorine. Chlorine

victims usually manage to get out to somewhere they can get treatment. Nerve agent kills pretty instantly.” But in Douma, the victims, quote, “have pretty much died where they were when they inhaled the agent. They just dropped dead.” Therefore, he concluded, quote, “that the incident is pretty much consistent with a nerve agent type exposure.” And as I said earlier, weeks later, when the OPCW consulted these experts in Germany, they went even further and ruled out chlorine exposure. So now we get the IIT response to all this, their attempt to offer a counter narrative. They claim to have brought in a, quote, “independent expert toxicologist who was not involved in previous assessments of the incident”, unquote. Well, first of all, this raises an obvious question. Why not consult the toxicologists involved in previous assessments of the incident? After all, the IIT’s mandate is based on the findings of the fact finding mission. Well, as I mentioned earlier, the fact finding mission heard from German toxicologists that chlorine is not consistent with the symptoms of the Douma victims. The fact finding mission also heard from five new replacement toxicologists - and we don't know what they said because the OPCW never told us - but why not consult with them? And no explanation is given for why we should take the word of this new toxicologist and supposedly independent toxicologist over all the other toxicologists consulted before. That is left unaddressed. This new toxicologist does rule that, in their opinion, the symptoms of the victims are consistent with chlorine gas. But no evidence is presented that could address the key issues raised by the German toxicologists, which is the inconsistency of the symptoms of the Douma victims with chlorine gas, including the profuse foaming at the mouth. There is no effort to address that. In fact, if you read the IIT report, nowhere does the toxicologist say that the profuse foaming at the mouth, which was raised by the German toxicologists, as a very key issue, there's no evidence that this new IIT toxicologist has even addressed that. And nowhere does this toxicologist say that those symptoms, specifically profuse foaming at the mouth, are consistent with chlorine gas. That issue was simply just overlooked, whereas the key issue raised by the Germans was or a key issue was the profuse foaming at the mouth. All of a sudden, this new toxicologist has no opinion on that. This new toxicologist does tell us, though, when it comes to the foaming at the mouth and one of the few instances when foaming is acknowledged, this new toxicologist does tell us that the foaming at the mouth is inconsistent with dust exposure, which is an odd statement. First of all, it's very obvious, right? No one would believe that dust could cause profuse foaming at the mouth, but it's also totally irrelevant. No one is accusing Syria of dropping a dust bomb on Douma or causing bombs that created dust, which then led to foaming at the mouth. The murder weapon here is supposedly chlorine. Why isn't the IIT’s new toxicologist replacing all the other ones telling us whether or not the symptoms of the victims, particularly profuse foaming, are consistent with chlorine gas. To the extent the IIT weighs in on the symptoms of the Douma victims. The IIT only singles out those symptoms, such as dizziness and coughing that are consistent with chlorine, not those symptoms that previous toxicologist said was inconsistent. Those symptoms are not addressed by the IIT. Which is another very glaring omission. Let me close by quoting José Bustani, who was denied the right to speak before this council. The founding director general. In his statement that he submitted to the council but was prevented from delivering, he said this, quote: “The dissenting inspectors are not claiming to be right, but

they do want to be given a fair hearing. I respectfully request that you grant them this opportunity. If the OPCW is confident in the robustness of its scientific work on Douma and in the integrity of the investigation, then it has little to fear in hearing out its inspectors. If, however, the claims of evidence suppression, selective use of data and exclusion of key investigators, among other allegations, are not unfounded, then it is even more imperative that the issue be dealt with openly and urgently.” And by the way, this right to hear from the dissenting inspectors is enshrined in the verification annexe of the Chemical Weapons Convention, which says that differing opinions have the right to be heard. Why have those differing opinions not been given the right to be heard in the case of Douma? Now, Mr. Bustani, emphasises the importance to the OPCW’s own integrity and own reputation, in terms of the importance of addressing this scandal. That the only way for the OPCW’s reputation to be restored and for this issue to be addressed is to hear from the dissenting inspectors and in fact, not just the dissenting inspectors, but all of the original members of the Douma team, many of whom were taken off the case, by the way, shortly after the team returned from Syria and replaced by people who never set foot in Syria. So I would like to ask those member states that blocked Mr. Bustani from speaking since he was not given the right to speak, I would like to ask them, specifically the U.S., Germany and France and the U.K., I’d like to ask you today, will you support the demand for Mr. Bustani, the founding director general of the OPCW, to hear from not just the two dissenting inspectors that we know about, but all the original members of the Douma team, everybody who went to Syria for that investigation, all of them, will you support that request for the OPCW director general to sit down with them, assure them of no political repercussions and give them the chance to air their concerns? That is my question to those delegations from the U.S., the U.K., France and Germany, those who led the way in blocking Mr. Bustani from speaking. This is central to the issue of the integrity of the OPCW. But I think most importantly, this is central to the issue of resolving what happened in Douma, because we are now nearly five years later since that horrific incident, those horrific images of all those dead bodies. And the international watchdog that investigated this incident has suppressed its own findings into that incident, leaving those deaths unresolved. And so long as the OPCW continues to suppress the science, the Douma victims and their families will remain without justice. So I want to urge you today to help restore accountability to the OPCW and help bring justice to the Douma victims and their families. Thank you.

**END**