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**COMPLIANCE WITH
THE CONVENTION ON THE
PROHIBITION OF THE DEVELOPMENT, PRODUCTION,
STOCKPILING AND USE OF CHEMICAL WEAPONS AND ON
THEIR DESTRUCTION
Condition (10)(C) Report**



April 15, 2019

Prepared by the U.S. Department of State

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UNCLASSIFIED**CONDITION (10)(C) ANNUAL REPORT ON
COMPLIANCE WITH THE CHEMICAL WEAPONS CONVENTION (CWC)**

This Report is submitted consistent with Condition (10)(C) of the Resolution of Advice and Consent to Ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC). The Convention was ratified by the United States on April 25, 1997, and entered into force on April 29, 1997.

Condition (10)(C) provides that the President shall submit on January 1 annually to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a full and complete classified and unclassified report setting forth—

(i) a certification of those countries included in the Intelligence Community's (IC) Monitoring Strategy, as set forth by the Director of Central Intelligence's Arms Control Staff and the National Intelligence Council (or any successor document setting forth intelligence priorities in the field of the proliferation of weapons of mass destruction (WMD)) that are determined to be in compliance with the Convention, on a country-by-country basis;

(ii) for those countries not certified pursuant to clause (i), an identification and assessment of all compliance issues arising with regard to adherence of the country to its obligations under the Convention;

(iii) the steps the United States has taken, either unilaterally or in conjunction with another State Party:

(I) to initiate challenge inspections of the noncompliant party with the objective of demonstrating to the international community the act of noncompliance;

(II) to call attention publicly to the activity in question; and

(II) to seek on an urgent basis a meeting at the highest diplomatic level with the noncompliant party with the objective of bringing the noncompliant party into compliance;

(iv) a determination of the military significance and broader security risks arising from any compliance issue identified pursuant to clause (ii); and

(v) a detailed assessment of the responses of the noncompliant party in question to action undertaken by the United States described in clause (iii).

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It is the view of the United States that, in most cases, efforts to resolve compliance concerns discovered through review of declarations or inspection results should first be attempted through diplomatic means. This does not preclude or prevent the escalatory step of requesting challenge inspections, but diplomatic outreach is an initial mechanism to attempt to resolve compliance concerns before the need to resort to challenge inspection requests.

For its part, both as a matter of national policy and as a guide to national policy, the United States undertakes its own independent review – based upon the best available information, including intelligence information – of the compliance of CWC States Parties with their obligations under the Convention. The United States believes that CWC States Parties should be held to their obligations under the CWC, and places a high premium upon their compliance with specific declaration and implementation provisions (e.g. Articles III, IV, V, VI, and VII) and the “general obligations” provision under Article I.

Information and assessments in this report are current as of December 31, 2018. This report highlights new developments since the last Condition (10)(C) Report, and to the extent possible, refrains from repeating older information found in previously submitted reports.

In 2018, the United States took extraordinary steps to address CWC non-compliance and restore CW deterrence, in close coordination with Close Allies and like-minded states. First, the United States played an instrumental role in the establishment in January 2018 of the Partnership against Impunity for the Use of Chemical Weapons, a French-led initiative whose participating states made a political commitment to increase pressure on those responsible for the use of CW. (As of December 2018, the Partnership had 38 members.) In addition, the United States played a key role in obtaining agreement of CWC States Parties to hold a special CSP meeting in June 2018, and as part of that meeting secured adoption of a CSP decision that directed the OPCW to establish attribution arrangements to identify the perpetrators of CW attacks in Syria and to take further steps to strengthen the organization in light of Russia’s CW use in Salisbury. The United States also was instrumental in obtaining international agreement on a subsequent CSP decision in November 2018 that ensured the TS was provided additional, appropriate resources in 2019 to take on the responsibilities outlined in the June 2018 decision.

The Technical Secretariat (TS) of the Organization for the Prohibition of Chemical Weapons (OPCW) reported, as of July 31, 2018, the following regarding Article VII implementation:

1. Somalia and Timor-Leste, which became States Parties in 2013 and 2003, respectively, have not yet designated a National Authority.
2. Seventy-one States Parties had not yet notified the TS of the adoption of implementing legislation and/or regulations that cover all the initial measures (scheduled chemical transfers, prohibitions, penalties, extraterritorial obligations, legal basis of regulations, establishment of national authority, and other initial measures). They were: Afghanistan, Andorra, Angola, Antigua and Barbuda, Armenia, The Bahamas, Bahrain, Barbados, Benin, Bhutan, Brunei Darussalam,

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Burma, Chad, Chile, Congo, Cook Islands, Cote d'Ivoire, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Eswatini, Gabon, Georgia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Iceland, Jamaica, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libya, Malawi, Mali, Marshall Islands, Mongolia, Mozambique, Namibia, Nauru, Nepal, Nicaragua, Nigeria, Papua New Guinea, Philippines, Rwanda, Samoa, San Marino, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Solomon Islands, Somalia, Suriname, Syria, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tuvalu, United Republic of Tanzania, Venezuela, and Zimbabwe.

3. One State Party, Tonga, has not yet submitted its required initial declarations (due July 28, 2003) pursuant to the Convention. The TS is unable to fulfill its verification tasks with regard to this State Party.

As of December 31, 2018, there were 192 CWC States Parties.^a Four States have neither ratified nor acceded to the CWC and, therefore, are not States Parties to the Convention (one signatory State, Israel, and three non-signatory States, Egypt, North Korea, and South Sudan).

States Parties that have not been certified in compliance at this time include Iran, Russia, and Syria. Further, Iran, Russia, and Syria are certified in non-compliance with the CWC. Russia and Syria were certified in non-compliance in April 2018. Iran was certified in non-compliance in November 2018. Additional information is available in the 2019 classified Condition 10(C) Report and its Annex.

^a On May 18, 2018, the Palestinians deposited a purported instrument of accession to the CWC. On June 18, 2018, the United States submitted to the UN Secretary General, the Depositary for the CWC, a letter detailing U.S. objections to the purported accession of the "State of Palestine" to the CWC. This letter was circulated to all States Parties by the Depositary.

UNCLASSIFIED**COUNTRY ASSESSMENTS****(1) ISLAMIC REPUBLIC OF IRAN (IRAN)****FINDING**

United States certifies Iran is in non-compliance with the CWC due to (1) its failure to declare its transfer of CW to Libya during the 1978-1987 Libya-Chad war, (2) its failure to declare its complete holdings of Riot Control Agents (RCAs), and (3) its failure to submit a complete Chemical Weapons Production Facility (CWPF) declaration. Further, the United States has serious concerns that Iran is pursuing pharmaceutical-based agents (PBAs) for offensive purposes.

ANALYSIS OF COMPLIANCE CONCERNS

In accordance with CWC Article III, paragraph 1(a) (iv), each State Party is required to “declare whether it has transferred or received, directly or indirectly, any chemical weapons since 1 January 1946 and specify the transfer or receipt of such weapons.” The United States assesses that in 1987 Iran transferred CW munitions to Libya during the 1978-1987 Libya-Chad war. Following the collapse of the Gaddafi regime, the Libyan Transitional National Council located sulfur mustard-filled 130mm artillery shells and aerial bombs, which are assessed to have originated from Iran in the late 1980s. In 2011, Libya declared to the Organization for the Prohibition of Chemical Weapons (OPCW) that it discovered 517 artillery shells and 8 aerial bombs comprising 1.3 Metric Tons of sulfur mustard but did not address the provenance of the items. Iran never declared this transfer in accordance with Article III, paragraph 1(a)(iv) of the CWC, and Iran never responded to an OPCW request for additional information.

In accordance with Article III, paragraph 1(e) each State Party is required to declare, with respect to riot control agents (RCAs), the chemical name, structural formula, and Chemical Abstracts Service (CAS) registry number, if assigned, of each chemical it holds for riot control purposes. States Parties are further obligated to update the declaration not later than 30 days after any change becomes effective. We assess that Iran’s RCA declaration is incomplete. Iran developed several RCA options – specifically the irritant dibenzoxazepine (CR) – and since 2012, Iran has marketed them for export for riot control purposes. However, Iran has not declared that it holds CR for riot control purposes.

In accordance with CWC Article III, paragraph 1(c)(i) and (ii), each State Party is required to “[d]eclare whether it has or has had any chemical weapons production facility under its ownership or possession, or that is or has been located in any place under its jurisdiction or control at any time since 1 January 1946” and “[s]pecify any chemical weapons production facility it has or has had under its ownership or possession or that is or has been located in any place under its jurisdiction or control at any time since 1 January 1946, in accordance with Part V, paragraph 1, of the Verification Annex.” Further, Part V, paragraph 1(c) of the Verification Annex requires a “statement of whether it is a facility for the manufacture of chemicals that are defined as chemical weapons or whether it is a facility for the filling of

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chemical weapons, or both.” In light of the discovery of chemical-filled artillery projectiles and aerial bombs Iran transferred to Libya and assessed Iranian-origin chemical-filled 81mm mortars found by Iraq during the United Nations Special Commission (UNSCOM) inspections, the United States assesses that Iran filled and possessed chemical weapons. We also assess that Iran successfully developed mortars, artillery cannon rounds, and aerial bombs for CW agent delivery during the 1980-1987 Iran-Iraq War, but failed to declare a CWPF with respect to weapons filling.

The United States is also concerned that Iran is pursuing chemicals for purposes inconsistent with the CWC. Specifically, Iran’s work on PBAs, which it refers to as “incapacitating chemical agents,” raises serious concerns that Iran is pursuing these agents for offensive purposes, which would be a violation of Article I. Iran appears to believe that it can justify its program as consistent with purposes not prohibited under the CWC under Article VI, including for law enforcement purposes. We assess that Iran is likely exploiting these exceptions for purposes inconsistent with the Convention.

BACKGROUND

Iran signed the CWC on January 13, 1993, ratified the CWC on November 3, 1997, initial declarations in 1998 and 1999. Previous 10(C) Reports and Compliance reports have addressed Iran’s sulfur and nitrogen mustard production before entry into force. Iran did not declare any CW weapons or agent stockpiles.

Lack of Declaration on Transfer of Chemical Weapons to Libya

Iran is assessed to have transferred CW munitions to Libya during the 1978-1987 Libyan-Chad war. Specifically, Iran is assessed to have transferred sulfur mustard-filled chemical weapons to Libya in 1987. After the collapse of the Gaddafi regime in 2011, the Libyan Government located newly found munitions suspected to be of a chemical nature, which are assessed to have originated from Iran in the late 1980s.

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Photographs of the 517 130-mm artillery shells declared by Libya. The Persian markings on the cases (inset) translate to 01-G-S-Gh (meaning unknown) and 65-01 (likely a manufacture date of Farvardin 1365, corresponding to March/April 1986).

After declaring the 130mm artillery projectiles in 2011, Libya requested OPCW Technical Secretariat assistance in collecting information relating to these chemical weapons. Pursuant to this request, the Technical Secretariat, on December 19, 2012, invited “States Parties, should they be aware and/or in the possession of any information that could contribute to resolving this issue, or should they need any additional information and/or clarification in this regard, to directly contact the National Authority of Libya, or the Permanent Representation of Libya to the OPCW” (NV/VER/DEB/180682/12). Iran has never declared that it transferred chemical weapons to Libya, including in response to the Technical Secretariat’s request.

Lack of Complete Declaration on Riot Control Agents

Although Iran has not declared that it holds CR for riot control purposes, the Iranian Ministry of Defense publically advertises a range of RCA delivery devices, including a personal defense spray that contains CR. Additionally, Shahid Meisami Group (SMG) has participated in defense *expos* providing fact sheets on its products, to include an 'Ashkan' irritant hand grenade that creates smoke containing CR. SMG has also provided fact sheets to interested users on a “Fog Maker System” that can be used to make smoke and fog at high volume in a short time. This is noteworthy because it can disseminate debilitating chemicals, like CR, over a large area quickly.



Protect3000 and the M18 contain CR; Iranian Advertisement for “Fog Maker” Mounted on a Speed Boat and Truck

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DIO Irritant Cartridge and Hand Grenade

Lack of Complete Declaration on CWPFs

Although Iran never declared a CWPF weapons filling capability to weaponize its chemical agent, reports of Iranian-filled CW munition use during the Iran-Iraq war indicate otherwise. In April 1987, mustard-filled 130-mm mortars believed to be of Iranian origin were used near Basrah, Iraq. Iraq's military and a UN delegation in Iraq reported the artillery contained residual sulfur mustard agent and Iraqi casualties displayed burns consistent with mustard exposure.



Image of 81-mm mortars

During an UNSCOM inspection in 1991 at Iraq's Muthana State Establishment, UN inspectors found 165 81-mm mortars filled with sulfur mustard that the Iraqis claimed were Iranian origin (image). Iraq did not possess or fill 81-mm mortars with mustard and the subsequent laboratory tests concluded that the agent in the munitions had higher levels of sulfur mustard impurities than those typically found in agent made by the Iraqis at Muthana, suggesting the munitions were not made by the Iraqis or made at that location.

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UNCLASSIFIED**Exploiting the CWC's Purposes not Prohibited**

Since 2005, some of Iran's military controlled facilities, Imam Hossein University (IHU) and Malek Ashtar University (MUT), have researched chemical agents intended to incapacitate. Iran's PBA research includes a wide variety of compounds that have differing sedation, dissociation, and amnestic incapacitating effects. Published Iranian papers cited the potential weapons applications of the PBAs; one specifically referenced the use of fentanyl during the 2002 Dubrovka theater hostage crisis. In 2014, Iran's Chemistry Department of Imam Hossein University sought kilogram quantities of medetomidine—a sedative it has researched as an incapacitant—from Chinese exporters. The Chemistry Department has little history of veterinary or even medical research and the quantities sought were inconsistent with the reported end use of research (10,000+ effective doses).

EFFORTS TO RESOLVE COMPLIANCE CONCERNS

On November 22, 2018, the United States addressed Iran's non-compliance with the CWC in its national statement to the CWC's Fourth Review Conference. The statement included findings from the November 20, 2018 Report to Congress detailing Iran's non-compliance with the CWC. No bilateral discussions occurred during this reporting year. The last CWC compliance-related bilateral exchanges occurred in 2001 and 2004, on the margins of OPCW Executive Council meetings. The outcome of the discussions did not resolve any of the issues.

(2) RUSSIAN FEDERATION (RUSSIA)**FINDING**

The United States certifies that Russia is in non-compliance with the CWC for its use of a military grade nerve agent in an assassination attempt on UK soil. This attack indicates Russian retains an undeclared chemical weapons program. The United States cannot certify that Russia has met its obligations for its incomplete declarations of its: 1) CWPFs; (2) CW development facilities; and (3) CW stockpiles. The United States has serious concerns regarding its assistance to the Syrian Arab Republic in the regime's use of chlorine against Douma in April 2018. Further, the United States has serious concerns that Russia's pharmaceutical-based agents (PBAs) program is for offensive purposes.

ANALYSIS OF COMPLIANCE CONCERNS

In accordance with Article I, paragraph 1, each State Party undertakes never under any circumstances "to develop, produce, otherwise acquire stockpile or retain chemical weapons" or "to use chemical weapons." On March 4, 2018, the Russian Federation attempted to assassinate two individuals on UK soil using an unscheduled, military grade nerve agent. This act is a clear violation of the CWC Article I, paragraph 1 prohibition on the use of chemical weapons.

In accordance with CWC Article 1 (d), each State Party undertakes never under any circumstances to assist, encourage, or induce, in any way, anyone to engage in any activity

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prohibited to a State Party under this convention. There are serious compliance questions about Russian officials' assistance to the Syrian Arab Republic regarding the Syrian regime's chemical attack against its own citizens in the city of Douma on April 7, 2018. Russia's joint air operations and negotiations to retake eastern Ghouta from opposition forces and its activities assisting the Syrian Arab Republic to cover up of the use of CW after the attack raise serious questions about Russia's possible role assisting the Syrian regime's use of chemical weapons on April 7.

In accordance with Article I, paragraph 2, each State Party "undertakes to destroy chemical weapons it owns or possesses." Each State Party is also required to declare its chemical weapons program in accordance with Article III. Russia completed destruction of its declared Category 1 chemical weapon stockpiles on September 27, 2017. Based on existing information, however, the United States does not believe Russia has declared all of its CW stockpile, all CWPfFs, and all of its CW development facilities. In light of the Skripal assassination attempt, it is clear that Russia did not make a complete declaration of its chemical weapons program.

The United States is also concerned that Russia has a pharmaceutical-based agent (PBA) program intended for purposes inconsistent with the CWC. Russian Health Minister Shevchenko acknowledged to the press that Russian special operations employed "derivatives of fentanyl" to resolve the October 2002 Dubrovka theater hostage crisis. The United States is concerned that Russia is pursuing these types of agents for offensive purposes, which would be a violation of Article I. According to a non-paper Russia published at the OPCW in November 2018, entitled, *Aerosolisation of Central Nervous System-Acting Chemicals For Law Enforcement Purposes*, Russia believes use of these agents "is not regulated under the [CWC] Convention." We assess that Russia is likely exploiting the CWC Article VI provision of purposes not prohibited, which includes law enforcement, for purposes inconsistent with the Convention.

BACKGROUND

The Convention entered into force for Russia on December 5, 1997, and Russia made its initial declaration in March 1998, in accordance with the CWC. The Russian declaration included CWPfFs, chemical weapons storage facilities (CWSFs), a chemical weapons development facility, and a stockpile of almost 40,000 metric tons of CW agent, in both bulk and weaponized form. As of September 27, 2017, Russia had completed destruction of its declared Category 1 CW stockpile. Its Article VI declaration included Schedule 2, Schedule 3, and other chemical production facility (OCPF) plant sites.

Use of Chemical Weapons

Russia has denied any responsibility for the assassination attempt against the Skripals, despite the evidence that Russia is responsible, including United Kingdom identification and video of the GRU agents. The Soviet Union developed this toxic chemical in the 1980s as part of its development of a new class of "fourth generation" nerve agents, known as "novichoks". It is highly likely these agents were developed to prevent detection by the West and circumvent international chemical weapons controls.

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The OPCW Technical Secretariat confirmed, as part of two separate Technical Assistance Visits that the military grade chemical agent was an unscheduled toxic agent, and that it matched the UK analysis.



Perfume bottle found in Amesbury

Assistance to the Syrian Arab Regime

Russian Federation assistance to the regime facilitated and enabled the regime's continued, prohibited use of chemical weapons. Beginning in September 2015 until present, the Russian government has been directly involved in the Syrian civil war, assisting the Syrian regime prosecute its military offensive by providing Russian airpower and other material support the regime. This has included support in several siege and starve offensives including in Aleppo and the Damascus suburbs. On February 18, the Syrian regime and Russia began an assault on the de-escalation zone of eastern Ghouta. On February 24, the UN Security Council unanimously approved a thirty day cease fire in Syria (Resolution 2401 (2018)), however Syrian government forces started a ground assault the very next day. Fighting continued, and between February 24 and 28 Russian military aircraft conducted at least 20 daily bombing missions in Damascus and Eastern Ghouta from Humaymim Airfield in northwest Syria, directly contravening the UN Security Council resolution to which it agreed. The Syrian regime and Russian military aircraft bombed towns into submission and, while doing so, offered negotiations and evacuations if opposition forces surrendered. The first deal negotiated by Russia for the Syrian regime was reached on March 18 with Ahrar al-Sham. A second deal was reached with additional Ghouta suburbs on March 23.

Douma then became the last town in Eastern Ghouta under opposition control. On April 4, there was ongoing negotiation between the Syrian regime, the Russian government, and opposition forces inside Douma, reported by the UN humanitarian adviser for Syria. On April 4, Russian Lieutenant General Sergei Rudskoi is quoted by Al Jazeera News, as stating, "The militants are

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being evacuated from Douma, their last bastion in Eastern Ghouta, and within a few days the humanitarian operation in Eastern Ghouta must be completed.” On April 5, however, Syrian state media and opposition forces are cited stating that evacuations from Douma were suspended.

On April 6, the Syrian regime launched an air and ground offensive against Douma. The United States assesses with confidence that on April 7, 2018, the Syrian regime used chemical weapons in the eastern Damascus suburb of Douma, killing dozens of men, women, and children and severely injuring hundreds more. On April 8, 2018, Syrian state media reported that the Syrian regime agreed to a final deal negotiated by the Russian military with Jaish al-Islam to depart Douma within 48 hours and to bring the Russian military police into the city. The March 1, 2019, Report of the OPCW Fact Finding Mission regarding the use of toxic chemicals as a weapon in Douma, Syria on April 7, 2018 (FFM), corroborated the presence of Russian military police in Douma. On page 7, paragraph 6.2 of its report, the FFM explained that although as a general rule the security of its missions is the responsibility of the hosting State Party to the CWC, the FFM team “was informed by Syrian and Russian representatives that the Syrian Arab Republic could guarantee the safety of the FFM team only if security was provided jointly with the Russian Military Police.”

Thereafter, the Russian and Syrian regime:

- Denied and delayed OPCW inspectors’ access to Douma, in an effort to conduct their own staged investigations;
- Attempted to sanitize the locations of suspected attacks and remove any incriminating evidence of chemical weapons use;
- Staged photographs for dissemination online to help support the Russian/Syrian conflicting narratives that the opposition was responsible for the chemical weapon attacks or, alternatively, that there was no use of chemical weapons;
- Threatened and coerced the Syrian opposition in Douma: any first hand testimony that Russian or Syrian outlets or spokespeople cite from opposition figures or doctors in Douma is assessed to have been taken under duress and extreme pressure from the Syrian and Russian military.

Incomplete Chemical Weapons Declaration

The United States believes the Russian CW declaration is not complete. In particular, the United States believes that Russia’s CWC declaration is incomplete with respect to its chemical agent and weapons stockpiles. The United States notes that there are additional facilities that Russia may have been required to declare as CWPFs. Lastly, the United States does not share Russia’s narrow interpretation of the CWC that the criterion in Article III is “primarily for” the development of CW and instead believes that all CW development facilities, including CW testing facilities, need to be declared.

EFFORTS TO RESOLVE COMPLIANCE CONCERNS

The United States has had longstanding concerns about Russian compliance with the CWC. The United States engaged in numerous exchanges with Russia regarding a number of compliance issues in 2002, 2003, and 2006, during which the United States discussed its concerns with the

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accuracy of Russia's CWC declaration. In 2006, the United States reiterated its longstanding proposal to hold expert-level consultations but no consultations were held. In 2017, the United States consulted with select like-minded CWC States Parties on our shared concerns regarding Russia's compliance with the CWC.

In 2018, the United States undertook significant effort in the reporting period to address its concerns with Russian non-compliance with the CWC. In response to the March 2018 Russian use of a novichok nerve agent in an attempt to assassinate UK citizen Sergei Skripal and his daughter Yulia Skripal, the United States, along with the United Kingdom, called on the Russians government to declare its Novichok nerve agent program to the OPCW. In March 2018, President Trump ordered the expulsion of 48 Russian intelligence officers from the United States and ordered the closure of the Russian consulate in Seattle. This action was taken in coordination with American allies around the world.

The United States further determined under the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (CBW Act) that the Government of the Russian Federation has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals. Following a 15 day Congressional notification period, these sanctions took effect upon publication of a notice in the Federal Register on August 27, 2018. They will remain in place until Russia (1) is no longer using CBW in violation of international law, (2) has provided reliable assurances it will not engage in any such activities in the future, and (3) is willing to allow on-site inspection to ensure it is not using CBW in violation of international law. To date, Russia has not met those conditions.

The United States also responded to the assassination attempt by taking action at the OPCW to ensure that the CWC specifically and concretely addresses novichoks. On October 16, 2018, the United States, Canada, and the Netherlands jointly submitted to the OPCW Director General a proposal to add two families of chemicals to the CWC Annex of Chemicals. The two chemical families include the chemical family of the novichok military grade nerve agent involved in the Salisbury and Amesbury incidents, as well as a closely related family. If agreed, these agents could be added to the Schedules in 2019.

In 2018, the United States consulted further with select like-minded CWC States Parties on our shared concerns regarding Russia's non-compliance with the CWC.

(3) SYRIAN ARAB REPUBLIC (SYRIA)**FINDING**

The United States certifies that the Syrian Arab Republic is in non-compliance with its obligations under the CWC. The United States assesses that Syria has used chemical weapons systematically and repeatedly against the Syrian people every year since acceding to the Convention, and therefore is in violation of its obligations under Article I of the CWC. The United States also assesses that Syria was responsible for the use of chemicals as weapons in Duma in April 2018, which resulted in more than 40 killed and hundreds injured. We have identified other credible allegations of Syrian chemical weapons use during 2018. In addition,

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the United States assesses that Syria did not declare all the elements of its CW program, as required by Article III of the CWC, and that Syria retains chemical weapons as defined by the CWC. The process for verifying the accuracy and completeness of the Syrian declaration and the resolution of these matters are ongoing.

ANALYSIS OF COMPLIANCE CONCERNS

In accordance with CWC Article I, paragraph 1(b) each State party is obligated never under any circumstances to use CW. The United States assessed that the Syrian regime repeatedly used chlorine and sarin as chemical weapons from 2013 through 2018 in violation of Article I of the CWC. Further, Syria violated UNSCR 2118 operative paragraph 4, which provides that “the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons.” In spite of compelling evidence, which included a finding of attribution by an independent international mechanism, Syria continued to deny it used CW.

In accordance with CWC Article III, paragraph 1 each State Party is obligated to declare its CW program. The Syrian declaration contained obvious gaps, discrepancies, and omissions, as detailed above, in violation of Article III of the CWC and the additional declaration requirements outlined in operative paragraph 6 of UNSCR 2118. Although the DAT effort compelled Syria to declare additional activities and several additional sites since it started its work in 2014, significant gaps, discrepancies, and omissions in the declaration remain. These, coupled with the assessed use of CW, demonstrate that the Syrian regime has retained a residual CW capability and has not disclosed the full history and scope of its CW-related activities.

BACKGROUND

In 2013, following the threat of military force in response to the use of sarin in multiple, small-scale attacks in opposition areas, and in a large-scale attack using surface-to-surface rockets in the Damascus suburb of Ghouta in August, Syria deposited its instruments of accession to the CWC on September 14, 2013. The United States and Russia negotiated the Framework for Elimination of the Syrian CW Program. This Framework led to the September 27 OPCW Executive Council decision and to UNSCR 2118, which, taken together, established milestones for the full disclosure and elimination of Syria’s CW program and stringent verification, including unfettered access for the OPCW to Syrian sites and individuals. With the use of chemical weapons in Duma, it is apparent that Syria continues to disregard international norms against the use of CW and its obligations under the CWC. Detailed background information on CW use in previous years may be found in the 2014 – 2018 Reports.

Continued Concerns about Syria’s CWC Declaration

After a preliminary disclosure of its CW program, Syria submitted to the OPCW its treaty-mandated initial declaration in October 2013, followed by numerous subsequent amendments. The sum of Syria’s disclosures, declarations and amendments provided an incomplete declaration of Syria’s CW program. The OPCW Technical Secretariat identified gaps, discrepancies, and omissions in the declaration raising serious concerns about whether Syria had

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declared its entire CW program. In April 2014, the OPCW Director-General established a Declaration Assessment Team (DAT) to attempt to clarify these concerns. The DAT has not been successful in resolving declaration issues, but will continue its work into 2019.

From November 6-11, 2018, the TS conducted its third mission to two Scientific Studies and Research Centre (SSRC) sites, Barzah and SSRC Jamarayah, in accordance with Executive Council decision EC-83/DEC.5.^b The TS has yet to report on the results of this inspection. Similar to challenges faced in previous years, the TS's work in 2018 was hampered by lack of access to original documentation on Syria's CW program, as well as lack of access to and engagement with senior Syrian leadership within the CW program.

The OPCW TS has repeatedly encouraged Syria to provide the information necessary to resolve outstanding issues. On January 29, the OPCW Director-General addressed questions related to the SSRC to Syrian Deputy Foreign Minister, Dr. Faisal Mekdad. The response from Syria on February, 19 2018 was judged by the TS to have not resolved any issues. Another submission from the SAR regarding the SSRC was received on July 10, 2018. The TS judged it to contain no new information. The DG continued to note that the TS cannot fully verify that the SAR declaration can be considered either accurate or complete. Thus the numerous, serious concerns over the Syrian declaration will likely remain open for the foreseeable future.

Continued Use of Chemical Weapons

During the reporting period, toxic chemicals were used as weapons by the Syrian regime. The most widely reported instance of CW use in Syria during 2018 was the April 7 attack on Duma. The United States assesses that the SAR was responsible for the CW attack.

The FFM issued a number of reports during the reporting period:

- S/1626/2018, dated 15 May 2018: The FFM concluded that in Saraqib, chlorine was likely used as a CW on February 4, 2018.
- S/1636/2018, dated 13 June 2018: The FFM concluded that in Ltamenah, sarin was very likely used as a CW on March 24, 2017, and chlorine was very likely used as a CW on March 25, 2017.
- S/1642/2018, dated 2 July 2018: The FFM was unable to determine whether CW was used in al Hamadaniyah on October 30, 2016 and in Karm al Tarrab on November 13, 2016. The FFM launched these investigations due to SAR claims that CW had been used.
- S/1645/2018, dated 6 July 2018: The interim report on alleged use of CW in Duma on April 7, 2018 did not make any conclusion as to CW use. A final report with an assessment regarding CW use was not released within the reporting period.

With regard to Duma, there is credible information that Russian officials colluded with the SAR to build a false narrative. Specifically, Russia and Syria 1) denied and delayed OPCW inspectors

^b This decision stipulates two annual inspections of these facilities; however the April France, UK, and U.S. attack on the SSRC Barzah was likely the reason that the TS did not conduct the spring inspection.

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to Duma, 2) attempted to sanitize the locations of suspected attacks, 3) staged photographs for dissemination online to further their false narrative, and 4) threatened eyewitnesses.

At the end of September 2018, the FFM deployed to Syria to investigate five further instances of alleged use of CW: Kharbit Masasnah on July 7, 2017 and on August 4, 2017; al Salmiyah on August 9, 2017; Damascus on October 22, 2017; and al Balil Souran on November 8, 2017.

Syria and Russia made claims to the OPCW that CW, presumably chlorine, had been used in Aleppo on November 24, 2018. The United States assesses this instance to have been a likely teargas attack by pro-regime forces, for which Russia and the SAR are seizing as an opportunity to blame the opposition. The TS decided to deploy the FFM to investigate in January, 2019.

Following reports of the OPCW-UN Joint Investigative Mechanism (JIM) that attributed four cases of CW use to elements of the Syrian government, and two instances of use of sulfur mustard to ISIL, Russia repeatedly utilized its veto in the UN Security Council to prevent the extension of the JIM's mandate beyond November 2017.

In response to the recent epidemic of chemical weapons use, the United States and like-minded nations called for convening a Special Session of the OPCW Conference of States Parties during June 2018. At that special session, the CSP adopted a decision directing the TS to establish attribution arrangements to identify the perpetrators of CW attacks for instances where the FFM concluded there was use or likely use of CW in Syria (CSP-SS-4/DEC.3, dated 30 June 2018).

Delayed Destruction of Syria's Chemical Weapons Program

Syria did not complete the destruction of all of its 27 declared CWPFs by the destruction timelines submitted in March 2014. The two remaining facilities were verified as destroyed in June 2018 by the TS.

During November, the TS conducted its third round of inspections at the five destroyed CWPFs that are equipped for remote surveillance by the TS. The TS confirmed the absence of prohibited activities at the sites as well as the absence of tampering with the security measures put in place in accordance with the agreed plans of destruction.

EFFORTS TO RESOLVE COMPLIANCE CONCERNS

The United States took every available opportunity, among them its statements before Executive Council sessions and meetings and its statement at the Fourth Review Conference, to underscore demands for Syria to cease using CW and to cooperate with the FFM, and change its approach, as recommended by the Director-General, and cooperate fully with the DAT to resolve the gaps, discrepancies, and omissions in its declaration. As noted above, Syria continued to deny all accusations and attributions of CW use, and claimed that it had cooperated with the OPCW's efforts.

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The United States played a key role in securing the adoption of the June 2018 CSP decision that directed the OPCW to establish attribution arrangements to identify the perpetrators of CW attacks in Syria, and the subsequent CSP decision in November 2018 on the budget that funds the TS's activities in this regard. Achieving adoption of these decisions was difficult and contentious due to extensive efforts by Russia to block. The United States will continue to seek accountability at the OPCW in 2019.

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