

Le Président du Conseil de sécurité présente ses compliments aux membres du Conseil et a l'honneur de leur transmettre, pour information, le texte **d'une lettre datée du 10 juin 2016**, adressée au Président du Conseil de sécurité, **par le Secrétaire général**, ainsi que les pièces qui y sont jointes.

Cette lettre et les pièces qui y sont jointes seront publiées comme document du Conseil de sécurité sous la cote S/2016/530.

Le 10 juin 2016

The President of the Security Council presents his compliments to the members of the Council and has the honour to transmit herewith, for their information, a copy of **a letter dated 10 June 2016 from the Secretary-General** addressed to the President of the Security Council, and its enclosures.

This letter and its enclosures will be issued as a document of the Security Council under the symbol S/2016/530.

10 June 2016



THE SECRETARY-GENERAL

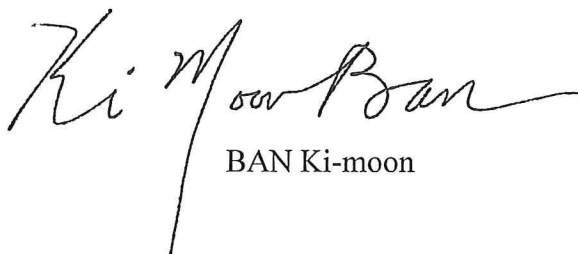
10 June 2016

Dear Mr. President,

I have the honour to convey herewith the second report of the Organization for the Prohibition of Chemical Weapons–United Nations Joint Investigative Mechanism.

I would be grateful if the present report and the letter of transmittal could be brought to the attention of the members of the Security Council.

Please accept, Mr. President, the assurances of my highest consideration.

A handwritten signature in black ink, reading "Ban Ki-moon". The signature is fluid and cursive, with a long vertical stroke extending downwards from the end of the name.

BAN Ki-moon

His Excellency
Mr. François Delattre
President of the Security Council
New York

Lettre datée du 10 juin 2016, adressée au Président du Conseil de sécurité par le Secrétaire general

J'ai l'honneur de vous faire tenir ci-joint le deuxième rapport du Mécanisme d'enquête conjoint de l'Organisation pour l'interdiction des armes chimiques et de l'Organisation des Nations Unies (voir l'annexe). Je vous serais obligé de bien vouloir faire porter à la connaissance des membres du Conseil de sécurité la présente lettre et son annexe.

BAN Ki-moon

Annex

Letter of transmittal

The Leadership Panel of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism has the honour to transmit the Mechanism's second report pursuant to Security Council resolution 2235 (2015) (see enclosure).

The report describes the activities undertaken by the Mechanism from 12 February 2016 to 10 June 2016. It also provides an indication of the activities that the Mechanism is planning to undertake during the coming weeks.

(Signed) Virginia **Gamba**
Head

Organization for the Prohibition of Chemical Weapons-
United Nations Joint Investigative Mechanism

(Signed) Adrian **Neritani**
Leadership Panel

(Signed) Eberhard **Schanze**
Leadership Panel

Enclosure

Second report of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism

I. Introduction

1. The present report is the second one of the Organization for the Prohibition of Chemical Weapons (OPCW)-United Nations Joint Investigative Mechanism (hereinafter “the Mechanism”) pursuant to paragraph 11 of Security Council resolution 2235 (2015). The report covers the period from 12 February 2016, when the Mechanism’s first report was submitted to the Security Council (S/2016/142) until 10 June 2016. This period marks the conclusion of Phase I and the beginning of Phase II of the Mechanism’s implementation of its mandate. The report describes the activities undertaken by the Mechanism during this time.

II. Background

2. The Mechanism’s first report provided an overview of the work of the Mechanism since its establishment on 24 September 2015, through its becoming operational on 13 November (commencement of Phase I) until 10 February 2016. This included the description of the sources of information available to the Mechanism and the methodology behind the investigation. It also discussed the specific considerations in view of developing operational guidelines and procedures that the Mechanism needed due to its unprecedented mandate “to identify to the greatest extent feasible individuals, entities, groups, or governments who were perpetrators, organisers, sponsors or otherwise involved in the use of chemicals as weapons, including chlorine or any other toxic chemical, in the Syrian Arab Republic where the OPCW FFM determines or has determined that a specific incident in the SAR involved or likely involved the use of chemicals as weapons”.

3. Subsequently, the Mechanism informed the Security Council through the Secretary-General of the following nine cases that would be further investigated during Phase II (S/2016/196):

1. Kafr Zita, Hama Governorate, 10-11 and 18 April 2014
2. Al-Tamanah, Idlib Governorate, 29-30 April and 25-26 May 2014
3. Talmenes, Idlib Governorate, 21 April 2014
4. Qmenas, Idlib Governorate, 16 March 2015
5. Sarmin, Idlib Governorate, 16 March 2015
6. Binnish, Idlib Governorate, 23-24 March 2015
7. Marea, Aleppo Governorate, 21 August 2015

4. The selection of the cases was based on a methodology devised by the Mechanism, taking into account severity (deaths, casualties, etc.), the delivery method and munition, and the quality and quantity of data and information about the incidents. The analysis of available information and identification of cases to be pursued marked the end of Phase I. Phase II, which commenced on 1 March 2016, consists of case-specific information

collection, analysis, assessment, identification of information gaps and commencement of corroboration activities. Further, this phase includes, inter alia, technical visits to capitals, the region and the Syrian Arab Republic, interactions with technical bodies such as forensic laboratories and institutes, and witness interviews. This phase will continue until sufficient information has been gathered, analysed, assessed and corroborated to allow the Mechanism to present its findings to the Security Council.

III. Activities of the Leadership Panel

5. During the reporting period, the Leadership Panel of the Mechanism focused its efforts on the following key aspects:

6. Firstly, the Leadership Panel continued to engage with the members of the Security Council and other United Nations Member States, in order to maintain and strengthen their confidence in and support for the work of the Mechanism. The continuing dialogue with Member States as the principal stakeholders in this effort was of utmost importance in order to develop and maintain trust and to facilitate subsequent information gathering for the investigators. The Leadership Panel travelled to capitals upon invitations for discussions with government officials and to seek cooperation with the Mechanism. During the reporting period, the Leadership Panel visited seven countries, three of them in the Middle East, and is planning to visit three more countries in June. The Leadership Panel also held more than 100 bilateral meetings with United Nations Member States in New York and in The Hague during the last four months.

7. Secondly, the Leadership Panel established and maintained regular contacts with United Nations entities and other international organizations, non-governmental organizations (NGOs) and other non-State actors, including the private sector, in order to solicit their cooperation and to request relevant information that might benefit the investigation. Through its engagement with the relevant stakeholders, the Leadership Panel paved the way for their direct communication with the Mechanism's investigators.

8. Thirdly, the Leadership Panel ensured that the Secretary-General of the United Nations was kept abreast of the Mechanism's progress in its work. The Leadership Panel met periodically with the Director General of OPCW in The Hague. In addition, the Leadership Panel and the High Representative for Disarmament Affairs jointly informed the Director General of OPCW after each monthly briefing to the Security Council on resolutions 2118(2013) and 2235(2015) of relevant issues that emerged during the discussion.

9. Fourthly, the Leadership Panel ensured that the Mechanism had appropriate and sufficient resources for the investigation. The Panel has facilitated expedited policies for the hiring of specialists to strengthen its team in The Hague and in Damascus with the necessary expertise in order to conduct and complete a professional investigation. The Trust Fund associated with the Mechanism has been utilized for this purpose.

10. Lastly, the Leadership Panel provided overall guidance and oversight to the investigation as well as continued adoption of procedures, where necessary. The Leadership Panel has been leading the way to develop the Mechanism's operational guidelines and procedures for identifying perpetrators in the use of chemicals as weapons. These include guidelines

and procedures on how to: start an investigation; conduct witness interviews; collect, analyse and handle information (including chain of custody); and, corroborate and authenticate information. The Mechanism intends to submit the operational guidelines and procedures to the Security Council before the conclusion of its mandate.

IV. Investigation activities

Investigation plans

11. The Mechanism prepared an investigation plan for each case to help guide the overall investigation, and more specifically the planning process. The investigation plan contains a description for each case and a summary of the findings of the OPCW Fact-Finding Mission (FFM). It defines the scope of the investigation and provides an evaluation of the relative strengths and weaknesses of each case. The plan also outlines the case hypotheses, as well as the areas of work, activities and deadlines. It further identifies information gaps and plans on how to close them, and a list of significant steps undertaken on the lines of investigation.

12. The investigation plan is constantly updated and refined in accordance with the information gathered from available sources. Changes to the plan, including shifts in lines of investigation are made on the basis of new information received and regular assessment conducted in respect of that information.

13. The investigation plan guides activities including information analysis, gap analysis and in-depth comparative analysis. As information is gathered and analysed, an assessment is made if more information is needed for corroboration purposes. This procedure aims to facilitate a methodical approach in the consideration and analysis of the information obtained in order to achieve a required sufficiency for identification purposes. The method is most useful in ensuring that the investigation remains focused as well as independent, impartial and objective. The discipline exercised in these efforts will facilitate the ability of the Leadership Panel to reach its conclusions and recommendations on the nine cases in its subsequent reporting to the Security Council.

Information collection

14. The Mechanism continues to request and receive non-FFM information from Member States and other entities. This information feeds into the development and refinement of the investigation lines for each case.

15. The Mechanism considers information collection, analysis, assessment and corroboration as simultaneous and non-sequential processes. As information collection continues, and on the basis of the ongoing evaluation of the information, new questions and queries arise. These new questions are often more complex, detailed and direct than those that have preceded them and require more detailed and considerate responses from aforementioned stakeholders.

16. The Mechanism has continued to request and receive information from the Syrian Arab Republic. Investigators undertook two one-week long visits to the Syrian Arab Republic in March and in May 2016, in addition to the Leadership Panel's visit in December 2015 following the signature of the status of the Mechanism in order to ensure the timely, safe and secure conduct of the mandate of the Mechanism in the Syrian Arab

Republic. Mandatory one-week pre-deployment safety and security training was provided to the Mechanism's investigators and the Leadership Panel ahead of the visits. Questions have always been prepared and shared with the Member State in advance of the country visits and meetings. During the two technical visits, the investigators met with Government officials, including technical counterparts and scientists. The Government of the Syrian Arab Republic also provided information material to the Mechanism, as well as access to witnesses to some of the incidents under investigation.

17. To date, there has been an increase in the number of other Member States that have provided information to the Mechanism. Several have submitted more than one set of responses to the Mechanism's multiple information requests, which, as indicated above, have over time become increasingly detailed and case-specific.

18. Furthermore, a great deal of the information collection has been undertaken by the Mechanism through establishing a network of contacts with relevant information related to the cases under investigation. Efforts have been under way to broaden this network, where possible and if useful, within the Mechanism's timeframe. As such, NGOs, the private sector, research organizations, institutes and other civil society organizations have been contacted if the investigators and/or the Leadership Panel thought they could provide pertinent information to the investigation and thus help fill the gaps or corroborate existing information.

Analysis, assessment and corroboration of information

19. In Phase II, the main emphasis has been on case-specific information collection, analysis, assessment, identification of information gaps and commencement of corroboration activities. Investigators have been revising and analysing all available FFM and non-FFM material collected to date, which includes more than 6,000 pages of documents, transcripts of more than 200 interviews, more than 850 pieces of photographic material, more than 350 videos obtained from open sources as well as provided by witnesses themselves, and more than 3,500 files, including videos, photographs and audio recordings. As most of the non-FFM information needed for gap identification is only available in Arabic, large amounts of documents have been translated. Additionally, the investigators have recorded witness interviews, an activity that is ongoing.

20. The Mechanism has been conducting assessment exercises to structure the next steps and to test the robustness of the various lines of investigation pursued for each case. To this end, accumulated information and data are subject to various forms of comparative analysis, in order to identify patterns and trends. These analyses assist the validation of case hypotheses, as well as guide the identification layers with respect to potential perpetrators, thus moving the investigation forward.

21. The analytical and information collection stages include a methodical corroboration of certain aspects of the cases under investigation. The corroboration process involved the engagement of two internationally recognized forensic institutes, which are analysing material pertaining to the cases. This includes the forensic analysis of media files provided to the Mechanism by various sources to determine, inter alia, whether videos and photographs have been modified or altered, verify the dates and locations, including comparing them with other imaging from the locations. To date, the investigators have delivered about 40 files to the two forensic

institutes, which translates to more than 600 hours of forensic work. This work is ongoing as more files are received.

22. In addition, the Mechanism has consulted with a number of laboratories on chemical substances, munitions and other related issues, as needed. The Mechanism will continue to work with specialized laboratories to gain a better understanding of the information received and to assess its theories. To date, the Mechanism's investigators undertook six technical visits to several forensic institutes and laboratories.

V. Other activities since the last report

23. Firstly, during the reporting period, the Mechanism has established a light foot print presence in Damascus in April 2016. The liaison office in Damascus is staffed by a political affairs officer who acts as the main focal point with the Government of the Syrian Arab Republic, providing up-to-date information and recommendations to the Leadership Panel regarding substantive political matters.

24. Secondly, to facilitate the investigative work, and at the same time to protect the confidentiality of the information received from Member States and other stakeholders, a robust information management system has been put in place. It contains a records management system and a separate network, including a dedicated server placed in the Mechanism's office in The Hague. Confidential and non-classified information collected or generated by the Mechanism is placed into the content and records management system. In the case of paper records, originals are scanned to be uploaded to the system and stored in the physical file; physical evidence is described in the system and stored in sealed envelopes or containers. While the system has been implemented in compliance with the United Nations' policies on information security, and has passed the controls to be certified for storage of strictly confidential materials, most of the information received from Member States is available only as the original copy and stored in New York. The Mechanism's investigators can review the material upon request and follow a chain of custody regime to ensure that access to the material is recorded.

25. A separate network not connected to the Internet has also been placed in the Mechanism's office in The Hague. This network contains forensic copies of the FFM material provided by OPCW, witness statements with identifiable names or information, and highly sensitive documents.

26. Thirdly, an agreement between the United Nations and the Netherlands concerning the Investigations Office of the OPCW-United Nations Joint Investigative Mechanism in The Hague was signed on 31 May 2016 and entered into force immediately. The Host Country Agreement covers, inter alia, the status of the Investigations Office and its personnel, as well as cooperation with the host State.

27. Lastly, to date, the Trust Fund set up for the Mechanism has received contributions from 13 donors in the total amount of USD 8 million and pledges for an additional total of USD 1 million. The Leadership Panel is grateful for the generous contributions of Member States which allow the Mechanism to get access to the necessary resources to conduct a professional investigation.

VI. Concluding remarks

28. Investigations into the nine cases under consideration by the Mechanism have all progressed. Every reasonable attempt is being made to consider and examine various plausible case hypotheses presented in relation to each case. Consequently, the Mechanism continues to consider all available information received to date while it collects further material. The investigators, therefore, continue to actively look for, analyse and assess information from Member States, NGOs and other available sources. Further, the Mechanism is considering arrangements to enable it to conduct simulations of its case theories.

29. The Mechanism will provide a written report to the Security Council in August 2016. The report will contain the findings of the Mechanism based on information collected, analysed and corroborated by the end of July 2016. Nevertheless, the Leadership Panel of the Mechanism reaffirms that identification of those responsible for the use of chemicals as weapons in the Syrian Arab Republic continues to be dependent on sufficiency of information, described as evidence of a credible and reliable nature to determine that a party was involved in the use of chemicals as weapons, as per paragraph 20 of the Mechanism's first report (S/2016/142).

30. For this reason, the Leadership Panel reiterates that receiving prompt information from Member States and relevant stakeholders, including from the region, is crucial to the implementation of the mandate, as is the need for the Government of the Syrian Arab Republic to provide prompt responses to the requests of the Mechanism for information and/or access.

31. The Leadership Panel continues to develop and refine operational guidelines for this investigation: in the absence of a framework to guide the Mechanism's efforts in fulfilling its unprecedented mandate, the Mechanism has been developing a set of guidelines and procedures, which may also be useful for future bodies tasked with similar mandates. The Leadership Panel plans to submit to the Security Council, the operational guidelines and procedures for investigating those involved in the use of chemicals as weapons.

32. Lastly, and in light of the continued reports of the use of chemicals as weapons in the Syrian Arab Republic, the Leadership Panel reiterates its strong conviction that the use of chemicals as weapons, for any reason and under any circumstances, is totally abhorrent. The Leadership Panel reaffirms its belief that it is absolutely crucial to identify and hold the perpetrators of the use of chemicals as weapons accountable in order for this effort to serve as a deterrent of such acts in the future.

33. In conclusion, the Leadership Panel wishes to thank the United Nations Secretariat, especially the Office for Disarmament Affairs, the OPCW, Member States and other stakeholders who have continued to support the Mechanism's efforts to fulfil its mandate.