

Personnel-in-Confidence

Director-General
Organisation for the Prohibition of Chemical Weapons
Johan de Wittlaan 32
The Hague

Australia, 10 February 2020

Reply to your Letter of Censure

Mr Arias,

I am replying to your letter of censure sent to me, dated 7 February 2020. I take this opportunity also to respond to the allegations raised in the publicly-available “Note by the Technical Secretariat – Report of the Investigation into Possible Breaches of Confidentiality”, and some of your comments in the “Director-General’s Statement on the Report of the Investigation into Possible Breaches of Confidentiality”, both dated 6 February 2020.

I must start by emphasising that I have sympathy for your personal position in this complex situation, much of which you inherited from your predecessor. It is well-understood that as Director-General you have many pressures on your time, and that many reports and statements (such as the abovementioned) are completed by others and brought for you to sign. Also, as you must now be aware, you were kept completely unaware of the growing crisis in the Fact-Finding Mission on the alleged chemical attack in Douma, until the situation had deteriorated and it was “too late” to properly address it. That this should now have reached a situation where a decision has apparently been made within the Technical Secretariat to attack the professional reputations of two former senior experts, is for me quite sad.

Our preference throughout, sir, was to keep the discussion within the Organisation and within the realms of facts, science and engineering. As you now know, Inspector B and I tried on many occasions to meet with you, as we both considered the situation serious enough and sufficiently clear, to warrant intervention at the highest level. You may also know (or, perhaps not) that these requests were all denied. The reason given by a senior official was “it’s my role to protect the Director-General. You will *never* get to speak with him, and if you try and go around me to get to him, there will be consequences”.

Therefore, to use a term that is frequently employed in the report on my alleged conduct, I believe you may have been misled at times. It leads also to a fairly pertinent question: Who were the architects of the report and the statement that were brought to you for your approval? The investigation was conducted by a British investigator and a lawyer from the USA. The activities of the FFM were managed by your Chief of Cabinet (from France), whose views are echoed in both the narratives. Does it not strike you as somewhat biased, in that these three individuals represent the three “defendants” (if I can be allowed to use this word for effect); the three countries who were responsible for the missile strikes in response to the allegation of a chemical attack in Douma? I hope you will forgive me this first foray into the political realm; as inspectors and scientists we generally restrict ourselves to facts and carefully avoid any hint of political awareness. But in this situation to avoid the topic would have appeared extremely naïve. Perhaps this puts into context the texts of the investigation report and your statement. But from here onwards I will restrict myself to facts and science. I know that holds for Inspector B as well; we have always done so as our credibility has always depended (and continues to depend) upon this.

I feel that I need to respond to the attempted smear on the reputations of Inspector B and myself. We are long-serving and dedicated OPCW supporters. We both have reams of documents such as performance appraisals, emails, letters of commendation and others, that reflect a history of service at the highest level in terms of qualifications, skills, expertise, leadership, integrity and professionalism throughout our time at the OPCW. We are both very proud of this service to an important organisation. We were invited back as “rehired” Inspection Team Leaders (at the lower P-4 grade, seeing as the Team Leader post had been downgraded from P-5), specifically to address the problem of dwindling expertise amongst the inspectors, and to help with knowledge transfer from the diminishing core of highly experienced inspectors.

Does this not place the efforts by some to smear our reputations, on questionable ground? As a manager, as the highest official in the Organisation, does this not lead to the question: Why would a pair of the top Inspection Team Leaders, both with impeccable records, both (incidentally) from the “western group” background, who have never set a foot wrong, suddenly “go rogue”? Did these odd circumstances not ring some warning bells?

For me, if I look at the manner in which the report and your statement are written, it appears to smack of desperation to address a situation where the science has become worrisome, so the best avenue taken was to attack the characters of the “opposition” - hence the small underhand comments in the report aimed against me such as “eventually became a team leader” (I was the first team leader in the OPCW, and I have performance management assessment records that state (in writing) that “Inspector A is our best ITL and is thus used for the most complex and sensitive missions”). Another apparently demeaning comment was “joined at a lower level” (Inspector B and I joined as rehired Inspector Team Leaders; it was the post that had been downgraded a level). This kind of sleaze was unprofessional and unnecessary.

At the same time, I would suggest that you don’t see us as the opposition. We represent the science of a “technical” secretariat that so many dedicated staff members have worked hard to build up and maintain.

I will now address the suggestion that the role of Inspectors A and B in the Douma FFM was “minor”. Surely, sir, there are enough people in the TS who actually know what went on, that could have told you that statement was utter nonsense. Inspector B will no doubt speak for himself, but I can point out that he was in fact one of only four inspectors (out of 10) who was present in Damascus for the entire duration of the investigation, from 14 April to 3 May 2018. The team leader, who eventually wrote the final FFM report, departed after three days, before the investigation ever began, to redeploy to Country X. Inspector B was the planner and coordinator of all the scientific and technical activities on site, was involved in all the negotiations with the Syrian authorities, wrote all the on-site progress reports that were sent to your predecessor, was the chief drafter of the main report, and (along with myself) by far the most experienced inspector in the team. In fact, when the team leader announced his premature and unexpected departure to the team the night before leaving Damascus, to his credit he told the team “not to worry, I’m leaving you in good hands, Inspector B is a much more experienced inspector than me and knows more science than anyone in the organisation”.

When I joined the team shortly after the start of deployments to Douma, Inspector B and I (together with the other team members) continued playing a central role in strategy and planning of the deployments and the overall investigation. I shall provide one example: The first deployment to Location 4 had raised questions. We received clearance from the Syrian authorities to return to the scene, and this we did with a specific purpose in mind. This was to re-assess the scene, including to inspect all areas, to take more

photographs, to take detailed measurements of the cylinder, the crater, and objects within the room, and to more closely assess the metal, paintwork, fittings and fixtures on the cylinder. I led the sub-team that did this.

Therefore, in Douma (and Damascus) and for months afterwards, we worked on, lived, and breathed the investigation, with the express purpose of establishing what had happened. This involved countless hours of technical discussions amongst team members to share information and experiences; on witness accounts, toxicology, chemical sampling and analysis, and the cylinders. This is what teams do; this is how OPCW inspection teams work, and we have always provided specific training within the Inspectorate to support and encourage effective teamwork. The TS practice of disbanding the FFM teams (as was the case here) and appointing a handful of individuals to draft the report, while forcefully excluding all the team members (who in this case had deployed to Douma), seems to fly in the face of any attempt to get the best collective expertise that is provided by an effective team. Why is it that the FFM missions and associated sensitivity, in the TS have become grounds to completely discard the potential benefit of teamwork?

This may explain some of the confusion surrounding the nature of this entity “the FFM”. Statements such as “Inspector A was never a member of the FFM”, and political statements saying “we have full confidence in the impartiality and professionalism of the FFM” are missing the boat. One could almost call this subterfuge (a term that I recall was used in the report about me). The FFM was disbanded and is not what people, especially delegations, think it is when they refer to it. The “FFM” that is being used in the narrative aimed at discrediting Inspectors A and B, seems to be the two individuals tasked with drafting the final FFM report under the direction of your Chief of Cabinet.

So, the assertion that we had a “minor role” should be compared with the role of the drafters of the final FFM report, one of whom had only deployed to Country X and the other who only joined at the end of 2018, when the investigation was essentially over. There may be some truth in suggesting there was a “major role” assigned to them. This important role was the writing of the final FFM report. That is exactly my argument, and highlights why the FFM report does not reflect the findings of the inspectors who did the key work and analysis. How could the two individuals who wrote the final FFM report, one who had only deployed to Country X and the other who joined only at the end of 2018, and neither of whom had consulted in any way with members of the Douma team, purport to have been in a position to write a balanced report?

This brings me onto my next point. In your statement you suggest that the main body of work that led to the complete reversal in conclusions about Douma, happened later on (after Inspector B had left the Organisation), from September 2018 to January 2019. Here again, I am afraid you (or the drafters of your statement) are on shaky ground. I shall elaborate.

The only substantive addition to analysis in the final FFM report, compared with the original (and redacted) interim reports, is in the area of the cylinders. I shall not spend too much time here on that topic, as it has been well-covered in other exchanges. However, the FFM report claims to draw on the analysis of three experts in engineering and ballistics. I recall being informed verbally that one of these experts, the only one whose identity is known to me, the impression “it looks like one of them (the cylinder situations) may be possible, but the other is very unlikely”. In any case, the results in the FFM report attributed to the three experts, is contradicted by the findings expressed in the Engineering Summary.

In the other areas; witness accounts, toxicology and analysis of samples, there is nothing new. The final FFM report does not even attempt to describe any new information, data, facts or analysis on those key areas. Surely, if something substantive had been found, it would have been triumphantly exclaimed in the final FFM report in order to justify the changed conclusions? Surely there would have been at least some allusion to the facts and the underlying science? But any signs of that are *absent*. The report is in many aspects the same as was the case at the time of the interim report, at which time there was no evidence that a chemical attack had happened. The final report was now changed to an apparently flimsy conclusion (evidenced by the authors use of the term “reasonable” to justify it), that there were “reasonable grounds that the use of a toxic chemical as a weapon took place”.

In conclusion, sir, I shall now address the question that you may have been asking all along, even back to the first time you heard that we urgently wished to speak with you. The question being: What do these two individuals, Inspector A and B, want? Well, what did we want all along? What do I continue to request?

I shall speak for myself here, but I expect that Inspector B would share similar views. Nonetheless I shall use the term “we”, to include other staff members, delegations, and any other interested observers who may share these concerns.

We want to demonstrate transparent scientific rigour. The Douma FFM team was cut out of the drafting of the final FFM report, at the instruction of the Chief of Cabinet, who then appointed the Team Leader and Head of FFM to complete the task without any consultation with the Douma team. Whilst they had no choice, and they undoubtedly did the best job they could under the circumstances (and the likely pressure placed upon them), the drafters subsequently reversed the findings and rewrote conclusions, without explaining why (apart from the claimed findings of experts in engineering and ballistics, which were contrary to the findings of the work done by the FFM engineer). We simply do not understand what new facts, science, medical opinion and engineering, and what subsequent analysis, justified this turnaround.

I am sure you will appreciate that in science and engineering it has never been accepted practice, particularly when there is substantial contrary evidence, to write a conclusion that is supported only by brief mention that analysis was done (but without specifying the analysis), and then saying simply “trust us”. And surely not in a politically-charged situation such as this. We have never claimed to be the only holders of the truth. At the end of the day, the facts will prevail, and we are open to the possibility of there being new facts or overriding evidence. But these need to be backed by transparent scientific rigour. To assist in highlighting the main issues, I have added an annexure to this letter. In it I have summarised (in a non-exhaustive way) the key uncertainties in each of the four main pillars of this Fact-Finding investigation, illustrating briefly the situation we currently have and what answers are needed to provide clarity. I hope it is helpful.

In closing, Mr Arias, I have not yet met you, and I’m sorry we have got off to a somewhat acrimonious footing. However, let me assure you that there is nothing to fear from us, as one of the pleasures in dealing with scientists is that we do not have a fixed position or agenda. We are not bound by the need to achieve any preordained outcome. Our sole duty is to be true to the facts and the science, and once that has been achieved, we will gladly accept the proven and agreed scientific outcomes.

A final remark; and for this I must refer to one of the more damning comments in your statement:

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You remarked: *“Their behaviour is made even more egregious by the fact that they had manifestly incomplete information on the Douma investigation. This is due to the fact that they both had no involvement in the last six months of the FFM investigation, when most of the analytical work took place.*

As could be expected, their conclusions are erroneous, uninformed, and wrong.”

Here I must confess that I was very surprised to read that remark. The report to which your statement refers, was intended to verify whether there had been a breach of confidentiality, not whether any alternative “conclusions” were correct. But in any case, Inspector B and I have never professed to have reached conclusions, as throughout this saga our main concern has been the process by which the conclusions in the FFM report were reached, which did not follow the appropriate OPCW procedures or scientific correctness.

That ending in your statement, sir, has nothing to do with the remit of the investigation and goes far beyond what is appropriate, and in my view constitutes a direct violation of our right to dignity as international civil servants.

I hope that in this letter I have now alerted you to the possibility that you may have been misinformed, and that the rather strong statement above could be reconsidered.

Yours Sincerely,

Inspector A

Annexure – A brief technical summary of uncertainties in the Douma FFM report

1. Witness Accounts

Witness accounts came from people interviewed in Country X and in Damascus. Within the accounts from Country X there were contradictions and inconsistencies. However, in addition to that, there was a complete disconnect between accounts from Country X and those from Damascus. All the Country X witnesses said there had been a chemical attack, whilst all the Damascus witnesses said there had not been any chemical attack.

Questions: Why did the assessment in the final report ignore the inconsistencies in witness accounts from Country X, and selectively assign credibility to accounts that justified the conclusion in the final FFM report? And what was the basis for the drafters of the final FFM report to adopt the accounts from Country X and reject the accounts from Douma?

2. Chemical Analysis

Of the FFM samples analysed, there were no analysis results that clearly indicated the presence of high concentrations of chlorine gas (or in fact any concentration of chlorine gas, particularly at Location 2). There have been attempts from internet bloggers engaging with chemists to provide justification for the conclusions in the final FFM report (i.e. the chemistry relating to chlorides, chlorophenols, chloroacetic acid and bornyl chloride) but they continue to make errors in interpretation. It is not known to what extent known TS insiders have been part of this initiative, nor is it known what position the FFM report drafters hold on the chemistry.

Questions: Which analysis results have been utilised to support the conclusion in the final FFM report that there were “reasonable grounds that the use of a toxic chemical as a weapon took place. This toxic chemical contained reactive chlorine. The toxic chemical was likely molecular chlorine.” What is the explanation for this finding in terms of chemistry?

3. Toxicology

The drafters of the final FFM report appear to have accepted that victims throughout the apartment block at Location 2, were immediately exposed to such high concentrations of chlorine that they collapsed on the spot and were not able to exit the building. This is all the more puzzling taking into account the upper parts of the building and the basement were not connected (i.e. the gas had to exit the building onto the street and re-enter the basement door). In addition, despite the apparent fatal effects of the chlorine gas that led to victims dying immediately in place, there was still development of symptoms of pulmonary oedema, evidenced by the frothy discharge seen around the mouth and nose of victims.

Questions:

What studies in gas dispersion or CFD (computational fluid dynamics) were done to indicate the alleged rate of increase in chlorine concentrations throughout the building, and how did the results support the apparent toxic effects in each zone? In particular, how did the toxicologists explain the apparent 100% incidence of fatalities, who all died on the spot, and the apparent lack of any attempt by victims to exit the building? How did the toxicologists explain the apparent symptoms of pulmonary oedema, and the inconsistency with apparent immediate death through asphyxia, in which case there would not have been

time for oedema to develop? Why did the report drafters omit the opinions of the toxicologists who considered the symptoms inconsistent with chlorine?

4. The Cylinders

Here we have two conflicting accounts, both claiming to have been supported by expert studies. One was done by an FFM team member, an engineer with military experience, who examined both cylinders and who conducted the detailed re-investigation at one site, and who engaged experts in the TS and external experts to assist. The other is claimed to have been conducted by three external experts, guided by the drafters of the final FFM report and possibly others, none of whom had deployed to Douma.

Questions: In this case it is rather a suggestion: Bring the three experts and Inspector A together for a technical meeting. They will each justify their work, i.e. what facts, information, data, assumptions and inputs were used in their work; what methodologies and computational analysis tools were used; what results were obtained; and in addition, how observations were interpreted in terms of ballistics. How were all these results interpreted. This technical exchange will no doubt quickly show who has got the wrong end of the stick.