

OPCW: A Site of Struggle for Impartiality, Independence and International Legitimacy in War Crimes Investigations

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By Tim Hayward

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The use of chemical weapons is a war crime. The Chemical Weapons Convention (CWC) – signed by almost every nation^[1] – aims to expunge their use from the face of our planet. Charged with implementing the Convention is the Organisation for the Prohibition of Chemical Weapons (OPCW). Part of its task is to investigate such use when alleged to have occurred. It has played a particularly prominent role in relation to Syria since the US administration under President Obama declared the use of chemical weapons a ‘Red Line’ the transgression of which would trigger military intervention in the war.

Ascertaining facts in the circumstances of war is never a straightforward matter, and there are strict protocols governing OPCW investigations. Unfortunately, the investigations of the OPCW’s Fact-Finding Mission (FFM) in Syria have not always conformed to its own rules. A number of States Parties to the CWC are seriously concerned about this – they include not only Syria itself, along with its Russian allies and China, but also the nations of the Non-Aligned Movement. They have gone so far as to reject the associated UN-mandated Joint Investigation Mechanism (JIM) attribution of blame to Syria for the [2017 Khan Sheikhoun incident](#), refusing thereafter to renew its mandate. In consequence, a new investigative mechanism has been created under the auspices of the UN, albeit without consensus of states parties, called the International, Impartial and Independent Mechanism (IIIM).^[2] Where OPCW investigations are primarily oriented to fact finding, the IIIM has been set up to provide documentation that would support prosecutions. The OPCW and the IIIM have signed a Memorandum of Understanding to underscore their intention to collaborate. But what wider international legitimacy will this have, and how independent or impartial will the workings of these organisations be? The OPCW has evidently been ‘captured’ by Western powers, and the IIIM has been controversially created without a consensus. So what can be done to restore trust? These are serious questions that are not easy to answer. The aim here is the limited one of explaining how they have arisen and why they need to be pressed. (This post itself is an abridged version of a [longer paper that is available here](#).)

A central concern is that evidence gathered for the purpose of prosecuting war crimes must be capable of meeting rigorous legal standards of proof of a definite crime having been committed by an identifiable perpetrator. Because high standards of proof can be difficult to meet in relation to events in Syria, prospective prosecution teams have shown an interest in developing innovative strategies for achieving convictions. These are presented as enhancing prospects of achieving accountability for war crimes

Introducing innovation into the pursuit of justice, however, is not without risks. In criminal justice the standard of proof is demanding because societies have learned throughout history that anyone can be deceived and that criminals can find ways to make it appear that other agents are guilty of the crimes they have committed. A presumption of innocence, furthermore, is grounded in a moral belief that it is worse to punish an innocent party – thereby adding wrong on wrong – than to leave unpunished a guilty party. A risk, then, is that *innovation* in the pursuit of justice might lead to undermining established principles that, even while sometimes impeding successful prosecutions, provide restraining safeguards that everyone ultimately relies on.

Miscarriages of justice are always bad, and they can be especially damaging when they have ‘regime change’ implications. So all peoples who want to live peaceably together in this world have an important stake in ensuring that the institutions they have created to support that purpose are able

to carry out their responsibilities without being captured or corrupted by more particularistic or less ethical interests.

In the first two parts of this study I shall show there to be serious reasons for concern about the politicisation of both the OPCW and the IIM, respectively; the third part discusses how their collaboration reinforces those reasons for concern that they are contributing to the erosion of international normative agreements of fundamentally important kinds.

1. The OPCW: a reputation at risk

Signs of a crisis in connection with the OPCW became very clear by the time of the JIM verdict, based on OPCW FFM reporting, concerning the incident at Khan Sheikhoun in April 2017.^[3] From the early days of its investigation, JIM's head, Edmond Mulet, had complained about massive political pressure being placed on the inspectors.^[4] The [report](#) delivered in October 2017 was, in the view of critics, so full of lacunae that its conclusion could only be regarded as a non sequitur.^[5] Unsurprisingly, in view of this, those states that were not invested in achieving a verdict against the Syrian Arab Republic (SAR) were outraged enough – at the JIM's tendentious delivery of one – to decline to renew the JIM's mandate. Russia was a leading critic, but was not alone, and a 2018 [statement by Venezuela, on behalf of the Member States of the Non-Aligned Movement \(NAM\) and China](#), included the following warning:

'The NAM CWC States Parties and China express their deep concern regarding the attempt to accuse States Parties of using chemical weapons on the basis of unsubstantiated allegations made by media reports or other open sources, including non-governmental entities. This trend can cause a dangerous precedent in the future work of the OPCW.'

Then followed a further alleged chemical attack in Douma, on 7 April 2018, in response to which France, UK and US together fired 103 missiles into Syria. Scepticism about the alleged Syrian government responsibility for the incident was voiced in many quarters from the outset.^[6] The OPCW was to take almost a year to release its Final Report on the incident, and when it was eventually published, in March 2019, informed commentators were dismayed at its lack of professionalism (see, for instance, the [concerns set out by the Working Group on Syria, Propaganda and Media \(WGSPM\)](#)).

Shortly thereafter, in May 2019, came a further blow to the OPCW's credibility.

[A document leaked via the WGSPM revealed the existence of an engineers' assessment of the Douma incident whose findings had been suppressed by OPCW. This assessment pointed to a conclusion diametrically opposed to that of the Official Report.](#)

The world now learned that the engineers who had examined the site during the original inspection of Spring 2018 considered the chemical incident more likely to have been staged (by opposition operatives on the ground) than to have resulted from an airdrop (by government forces).

At the time of writing, OPCW has given no satisfactory explanation for this revelation that is – on its face – evidence of egregious falsification of the OPCW report. Such public comments as have so far come from the OPCW have been mutually self-contradictory (as shown in another [WGSPM Briefing Note](#)).

The reputation of the organisation, as things currently stand, is in serious question. Eminent disarmament authority Sergey Batsanov has noted the 'huge credibility problem of OPCW',^[7] and even the man who led the OPCW's investigation into the 2013 chemical attacks in Ghouta, Åke Sellström, has confirmed that political conflict among members 'influences the daily work of the OPCW'. This only tends to reinforce the wider lessons that Scott Ritter, former UN inspector of Weapons of Mass Destruction in Iraq, draws from the revelation of OPCW's suppressed Douma report:

The organisation had been shown to have 'violated the very operating procedures that had been put in place by the OPCW to protect the credibility of the organization and its findings.'^[8]

In considering the potential depth of the problem at the organisation, it is important to emphasise, as does the [WGSPM briefing note of McKeigue et al \(2019\)](#), that the Douma incident was the only alleged chemical attack in Syria where OPCW investigators had even been able to carry out an

unimpeded on-site inspection. Hitherto, OPCW Fact-Finding Missions investigating alleged chemical attacks in opposition-held territory had relied for evidence on witnesses and materials collected by opposition-linked NGOs of doubtful provenance. Given that previous investigations did not include on-site inspections,^[9]

‘the finding that the Douma incident was staged, based on a careful on-site inspection, should cast doubt on the findings of these earlier Missions’, writes Ritter, who refers to ‘an old prosecutorial rule—one lie, all lies—that comes into play in this case.’

Unfortunately, serious concerns go further still. If chemical attacks were staged, and reporting on them was unreliable, how did that reporting come to be given credence in the first place? Who has been amplifying the claims? The critical investigations conducted by WGSPM and others have indicated signs of possible coordination in the chemical incidents that prompts more probing questions about the nature of involvement of various actors in the stability and investigations fields, particularly those that have apparent working relationships with security services.^[10] Discernible in the background to these operations, and in some cases providing documented funding, are organs of the UK state.^[11]

The situation, then, is that although all CWC signatory states accept in principle the desirability of independent and impartial investigations, how these are to be conducted in practice is a matter of serious contestation. This has been made vivid in the further controversy arising around the OPCW’s recent entering of a Memorandum of Understanding with a mechanism created with the purpose of pursuing justice and accountability for war crimes in Syria.

2. The ‘International, Impartial and Independent Mechanism’ (IIIM): Is it any of those things?

Against this backdrop of disagreement, the UN General Assembly was to establish, in Resolution 71/248, the ‘International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Those Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011’ (IIIM). On the basis of a vote rather than consensus (with 105 for; 15 against; and 52 abstained) the creation of the IIIM was particularly driven by the US, with Ambassador Haley telling the UN that it would be ‘a valuable tool to hold the Assad regime accountable for its ... repeated and ongoing use of chemical weapons’.^[12] Questions have accordingly to be asked about how well the mechanism fits the description ‘international, impartial and independent’.

Impartial? To begin with, the political dimension being so very prominent in the case of war crimes in Syria, there has to be some concern about whether and how the *impartiality* of the mechanism in its operation is adequately assured. On the side of the states sponsoring it, a clear aim was to hold ‘the Assad regime’ to account for crimes already alleged. On the side of Russia, China, and the states of the Non-Aligned Movement, that aim was unacceptably prejudicial and seen as politically motivated. The IIIM’s mandate is also seen as legally problematic, in virtue of a tension between its two distinct kinds of remit. One is investigative, namely, ‘to collect, consolidate, preserve and analyse evidence of violations’. The other, however, is quasi-prosecutorial, being ‘to prepare files to facilitate and expedite fair and independent criminal proceedings.

As a prosecutorial service, a central ambition of the IIIM is to build case files on the basis, especially, of *linkage evidence*. This is intended to establish applicability of the principle of command responsibility.^[13] The documentation such a case would depend on – which now comprises some 800,000 items – has mostly been gathered by a private organisation now called the Commission for International Justice and Accountability (CIJA).^[14] CIJA is a secretive organisation that is partnered by, and shares a director with, the private company Tsamota.^[15] This has been working with groups of fighters and their associates on the ground in Syria in illegally procuring the massive collection of documents out of which the sought-for evidence is sifted. Allegations that members of these groups are themselves responsible for war crimes are not investigated. The aim, in amassing such a collection of documents, which come almost exclusively from the Syrian government side, is ‘to draw strong links, through regime documents and testimony

by witnesses and victims, between Syrian government policies and their effects on individuals.’[16] The expectation, as stated by Chris Engels, who leads CIJA’s regime-crimes unit, is to find ‘evidence linking high-level Syrian officials to mass atrocities.’[17] Furthermore, IIIM places considerable reliance also on information gathered by the Syrian Network for Human Rights (SNHR), and has apparently even entered a Memorandum of Understanding with this organization.[18] Yet this source is notoriously controversial, and its reporting is not regarded by critics as entirely reliable or impartial.[19]

A concern thus has to be, as Ramesh Thakur observes, that ‘the politics of a permissive environment for punishing heinous war crimes works against the requirements of a forensic examination that can provide the necessary proof of culpability.’[20] In the case of Syria, which IIIM was established to deal with, the situation has such complexity and opacity that no conscientious observer could be truly confident – in advance of proof being established beyond reasonable doubt – about which suspects could be implicated in which crimes.

International? It has also to be asked in what sense can the IIIM be regarded as genuinely *international*, given that the creation of the mechanism has been driven by a particular group of states, not only without the support of all, but even in the face of opposition from some. This line of questioning goes directly to the heart of its mission. If it is to be investigating international crimes, then it ought to be open to recognizing a fundamental principle that was enunciated at the seminal source of war crime definition, the Nuremberg trials. Thakur explains: ‘In its judgment in 1946, the Nuremberg International Military Tribunal described aggression as “the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole”’. A fundamental concern has to be that the creation of the IIIM was supported by some of the very countries that had been involved in overt and covert support for insurgency in Syria, which potentially made them liable to charges of war crimes under principles and precedents established at Nuremberg.

Independent? The *independence* of the mechanism is thus also a matter where skepticism is not unreasonable. It is noteworthy that some of the principal funders of IIIM were also principal funders of the insurgency in Syria. The text of the UN Resolution (71/248) to establish the IIIM ‘was drafted by Liechtenstein and consulted initially in a group of like-minded states coordinated jointly by Qatar and Liechtenstein.’ Yet Qatar is known to be one of the biggest funders of the insurgency in Syria and thus could quite conceivably be implicated as a suspect in any inquiry into war crimes in Syria that fully respected the Nuremberg principle mentioned above. The fact that the IIIM has such an evident political agenda, such compromised collaborators, and such a controversial normative framing makes it look unpromising to independent nations or, I submit, to any independent analyst.

In sum, the regrettable truth is that critics have good reason to see this mechanism as not truly international, nor impartial, nor independent.

3. OPCW and IIIM enter a controversial Memorandum of Understanding

So both OPCW and IIIM are open to serious questioning as to their independence, impartiality and international legitimacy. The two are, of course, very different organisations. The OPCW was established to implement a genuinely consensual decision of the nations in the world to prohibit the use of chemical weapons. The IIIM was pushed through by some states against the resistance of others to bring to ‘accountability’ the leadership of one particularly resistant nation, Syria. So members of the human collectivity have good reason to want to save the OPCW from its risk of mismanagement due to political capture and restore its reputation and capacity as a watchdog serving the interests of human beings throughout the world. The IIIM, by contrast, is an entity that has only partial support among nations of the world, and answers to no similarly fundamental human imperative. Since some nations consider it should not have been created, they presumably would be content for it to be abandoned. If we therefore think in terms of the international legitimacy of the two UN creations, at least as this is assessed from the normative perspective

adopted here, the one needs to regain it and the other cannot convincingly claim to have had it in the first place.

It is therefore a matter of further concern that the OPCW and IIM have recently signed a Memorandum of Understanding. The agreement was entered into without consultation with the States Parties to the OPCW. A number of States Parties – including not only Russia, but also the Non-Aligned Movement and China – have found its rationale unpersuasive. Their discontent can hardly have been unexpected, and one might have thought that the desirability of consensus building would have told in favour of seeking full agreement rather than pushing through a decision that is so controversial. There are also concerns about how the IIM is committed to sharing information it receives with various NGOs and other ‘Civil Society Actors’ that are by no means all legitimate international organisations in the eyes of all states.

One may get a sense of just how immersed in controversy this all is by simply considering the short statement of welcome for the MoU made by the UN Representative for the Netherlands. After describing it as making ‘an important contribution to combating impunity in Syria’, he goes on to conclude with a comment that appears gratuitous:

‘we reconfirm our point of view that the White Helmets are brave humanitarian workers. They have been attacked on the ground by the Syrian regime while engaging in purely humanitarian efforts. Those attacks are unacceptable.’^[21]

One might ask why, in a short speech lauding a supposed advance in the international commitment to securing ‘justice and accountability’ for Syria, the White Helmets are singled out for praise. Whatever else may be said for or against that organisation, it is regarded as neither impartial nor independent in much of the wider world community. In fact, the Netherlands’ own Foreign Affairs Minister, Stef Blok, has elsewhere reported concerns that allegations of complicity in war crimes have been made against the White Helmets.^[22] The linkage of the MoU to support for the White Helmets is thus conspicuously defiant in the face of criticisms that both OPCW and IIM have been insufficiently critical in accepting information conveyed by the White Helmets as a basis upon which to make findings. For a nation to throw its weight behind such a controversial organisation is a striking sleight against the principle of international consensus.

It is symptomatic, however, of a more pervasive international breakdown. Indeed, there are serious questions, as noted above, about whether the war in Syria could have involved actions that constitute war of aggression on the part of foreign powers. Investigation of accusations of war crimes could also foreseeably include looking closely at the role of organisations on the ground that have been created, funded and trained by foreign governments. This could include the White Helmets organisation. The fact that it is part of a major information operation established by Western powers, including the UK, is well established,^[23] and this prompts questions about their sponsors’ influence on their activities on the ground and even potential questions about complicity in them of the states providing support for those actors.

These concerns merely add, however, to the already very serious questions that have to be asked about foreign sponsorship of the insurgent forces in Syria, including some organisations that are designated terrorist groups.

Furthermore, while potential allegations of the supreme war crime against foreign powers may not currently be on any realistic ‘justice and accountability’ agenda, there is the more immediately demonstrable case to answer regarding the F-UK-US missile attacks of 2017 and 2018, both of which would appear to be in breach of international law. These are particularly significant in the present context given that at least some post hoc justification for them would have been supplied by OPCW reports finding Syria responsible for the chemical events at Khan Sheikhoun and Douma. Yet it now appears to be beyond serious doubt that the Douma pretext was false. For, as recently revealed, OPCW’s own inspectors had foreseen, in June 2018, that their internal reporting of the facts on the ground would not be allowed to see the light of day,^[24] given that their evidentiary value vis a vis allegations against the Syrian government would have been exculpatory. There is no reason to give greater credence to the Khan Sheikhoun findings.^[25]

These are not matters that anyone promoting IIIM or the OPCW MoU with it has mentioned as being on their agenda to investigate. Yet as long as investigations focus on some allegations with disproportionate attention compared to others (whose number includes the very nations keenest on sponsoring that agreement), it can only further weaken the OPCW's legitimacy in the eyes of the wider world.

Conclusion

It is a serious objection to the shared objectives of IIIM and OPCW that these appear prejudicially directed to finding evidence that could justify a Western foreign policy of regime change in Syria. Yet if it is bad enough that powerful states try to impose regime change on other less powerful states, what is more insidious in the kinds of development under discussion here is that they involve measures that would change the rules of the 'rules based order' so as to bestow putative legitimacy on such policies. We should be concerned about 'innovative' forms of jurisprudence that aim to facilitate the 'responsibility to prosecute', by creating less demanding standards of proof and weakening the presumption of innocence, and that also blur the distinction between impartial investigation and targeted prosecution when gathering evidence.

Meanwhile, international trust in and good will towards the UN and the OPCW are further eroded by initiatives like those discussed here.

It is evident that there needs to be much more caution about shifting the normative baseline of international law when the direction appears to answer to imperialist rather than cosmopolitan values.

But for there to be due caution, there first needs to be awareness of what is happening. In this regard, there is work to be done in the short term by those who have noticed and understood what is going on beneath the veneer of ethical-sounding terms like 'justice and accountability' and the 'protection of human rights'. Those are mere words when not supported by a substantively informed and normatively coherent account of what they are being interpreted to mean and how a given policy is expected to foster them.

With the pretext of pursuing justice and accountability in relation to Syria, not only have such goals not been achieved, but their very meaning has been subverted. Politics has overtaken an important international organisation OPCW, and further infected the overarching international organisation, the UN. Whether or not there is much can be done about this in the shorter term, those of us who can only watch and reflect ought at least to be clear-sighted about what is happening. That means calling out illusions and deception where we find them. In that way, at least a vision, and some grounded understanding, of justice may be preserved.



[1] The non-signatories are Egypt, Israel, North Korea and South Sudan

[2] Established by the UN General Assembly, in Resolution 71/248, its full title is the 'International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Those Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011'.

[3] For an overview, see Anton Utkin 'The End of OPCW-UN mechanism. What Stands Behind the Russian "No"?' (20 June 2018) <https://russiancouncil.ru/en/analytics-and-comments/analytics/the-end-of-opcw-un-mechanism-what-stands->

[behind-the-russian-no/](#) For an earlier, in-depth, discussion of the Khan Sheikhoun evidence see Paul McKeigue '[Khan Sheikhoun Chemical Attack: Guest Blog Featuring Paul McKeigue's Reassessment](#)'.

[4] Oliver Meier (2018), linking to this talk by Mulet: <https://al-bab.com/chemical-weapons-syria-statement-head-investigative-team>. In it, Mulet tells of getting many messages from all sides telling JIM how to do its work, some indicating that otherwise the conclusions of JIM's work would not be accepted. He also mentions that the international response to every incident or allegation in Syria has had both sides *automatically* accusing 'regime' or opposition. Asked about if he accepts all FFM report he says he has 'full confidence in the high professionalism of the work that FFM has done'. He does not comment on whether there might have been work that needed to be done but hadn't been. This would have been worth asking given the admission that Khan Sheikhoun was too dangerous to visit, being under control of the designated terrorist organisation Al Nusra.

[5] Mulet, presenting the JIM report in November 2017 (https://www.youtube.com/watch?v=cl9gD-Yg9sI&list=PLVx4nRM3eega1MFkX0Xq1EUGfjYbC_9_A&index=6), stated that 'while the expert examination of the crater [of the alleged chemical munition] did not rule out the crater could have been caused by means other than an aerial bomb, the mechanism found nothing to prove that the incident had been staged.' 'Certain irregularities and inconsistencies emerged in the course of the investigation ... however, they were not of such a nature as to change the assessment'. This sounds far rather inconclusive, even evasive, in the context of a report that aims to support any clear attribution of responsibility. Mulet also notes that 'some parts of the puzzle are still missing'. For instance, the investigation could not show that an aircraft from the Syrian airbase was responsible for delivering the munition that had caused the crater or identify the type of aircraft involved. Given such lacunae in the account, it is unsurprising that those not predisposed to welcome blaming the Assad government found the report hard to accept.

[6] Examples appearing in the first three weeks following the event are linked and discussed in Tim Hayward, 'Chemical Attack in Douma: a false pretext for escalating war against Syria?', updated 28 April 2018: <https://timhayward.wordpress.com/2018/04/08/chemical-attack-in-douma-interim-post/>

[7] <https://twitter.com/SBatsanov/status/1140373318584930307>

[8] Scott Ritter, 'Bias, Lies & Videotape: Doubts Dog 'Confirmed' Syria Chemical Attacks', The American Conservative, 20 June 2019: <https://www.theamericanconservative.com/articles/the-douma-chemical-attacks-that-led-us-to-bomb-syria-were-a-opcw-lie/>

[9] 'Even for the investigation of the Ghouta incident in 2013, the OPCW-WHO mission was able to visit the alleged attack sites for only a few hours, and was under the close supervision of the armed opposition.' (Paul McKeigue, David Miller, Piers Robinson, 'Assessment by the engineering sub-team of the OPCW Fact-Finding Mission investigating the alleged chemical attack in Douma in April 2018', Working Group on Syria, Propaganda and Media, 13 May 2019: <http://syriapropagandamedia.org/working-papers/assessment-by-the-engineering-sub-team-of-the-opcw-fact-finding-mission-investigating-the-alleged-chemical-attack-in-douma-in-april-2018>)

[10] *Details have been redacted here for the time being.*

[11] *Details have been redacted here for the time being.*

[12] Nikki Haley, 'Remarks at a UN Security Council Briefing on the Situation in Syria', 5 February 2018: <https://usun.state.gov/remarks/8285>

[13] 'As indicated by its mandate and Terms of Reference, the IIIM will prioritize the collection of linkage evidence tending to connect individual perpetrators to the crimes committed under all modes of liability, rather than gathering ever more crime-base data. That said, it will also collect information that is both inculpatory and exculpatory.' (Beth Van Schaack, 'Innovations in Criminal Law Documentation', SSRN, p.22 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3329102)

[14] 'CIJA is a documentation organization staffed by veterans of international courts and military intelligence units that is focused less on amassing information about the Syrian crime base and more on collecting linkage evidence to the highest criminal law standard to ensure its maximum utility. In the words of its director, Bill Wiley, it starts "with the organization, not the incidents"... It produces prosecution-ready files, proto-indictments, and evidentiary briefs on background, responsible individuals and units, particular crimes, and the structure and functioning of the Assad regime writ large.' (Van Schaack, 'Innovations') As this quote indicates, CIJA has already been doing a great deal of the work that IIIM was created to do, and a large part of the IIIM budget is directed to funding that work. IIIM is intended to work very closely with CIJA, materially depending on the vast cache of documents that it has garnered via opposition fighters from captured government facilities in Syria, as well as on witness statements procured by support of an organisation with CIJA's unusually high appetite for risk.

[15] For a critical account, see Max Blumenthal and Ben Norton, 'This celebrated Western-funded nonprofit collaborated with al-Qaeda to wage lawfare in Syria', The Grayzone, 19 June 2019 <https://thegrayzone.com/2019/06/19/commission-for-international-justice-and-accountability-cija-syria-al-qaeda/#more-10618>.

[16] Ben Taub, 'The Assad Files', *The New Yorker*, 18 April 2016 <https://www.newyorker.com/magazine/2016/04/18/bashar-al-assads-war-crimes-exposed>

[17] Quoted in Taub, 'The Assad Files'.

[18] This is from the organisation's website: 'SNHR Signs Memorandum of Understanding with International Impartial and Independent Mechanism (IIIM), Beginning with Data-Sharing' 26 Feb 2019 <http://sn4hr.org/blog/2019/02/28/53371/>

[19] For a recent critical appraisal of SNHR see Max Blumenthal, 'Behind the Syrian Network for Human Rights: How an opposition front group became Western media's go-to monitor', *The Grayzone*, 14 June 2019: <https://thegrayzone.com/2019/06/14/syrian-network-for-human-rights-opposition-snhr/>

[20] Ramesh Thakur, 'No Longer Fit for Purpose: Syria and the International Normative Architecture', *E-International Relations*, 24 April 2018: <https://www.e-ir.info/2018/04/24/no-longer-fit-for-purpose-syria-and-the-international-normative-architecture/>

[21] Statement by Karel J.G. van Oosterom, Permanent Representative of the Netherlands to the United Nations (Security Council Briefing: Syria (Chemical Weapons) in New York, 5 November 2018: <https://www.permanentrepresentations.nl/documents/speeches/2018/11/05/security-council-briefing-syria-chemical-weapons>)

[22] 'Minister Stef Blok (Foreign Affairs, VVD) and Sigrid Kaag (Development Cooperation, D66) shut the money down after a critical report from their own officials at Foreign Affairs. According to the report, the Netherlands has not always exercised sufficient supervision over aid projects in the opposition area in Syria. There is a danger that rescue workers and police officers paid by the Netherlands will maintain ties with terrorist organizations such as the Syrian Al Qaeda branch Hayat Tahrir al Sham. ... The most serious criticism is directed at the White Helmets ... according to the Foreign Affairs report, which was sent to the House of Representatives on Friday, the supervision of the work of the White Helmets is 'below standard'. There is a risk that Dutch money intended for rescue workers will fall into the hands of extremist groups or be used for illegal trade. It is the first time that a Western government has stated that there are problems with the project.' The report identifies the following issues:

- '- According to Foreign Affairs, the supervision of the behavior of the rescue workers is 'below standard'. The monitoring organization, Mayday, based in the Netherlands, is closely intertwined with the Witte Helmen itself. In practice, donors do not understand the difference between the two organizations.
- Mayday wants to spend a maximum of 0.9 percent of its budget on supervising the work of the White Helmets. "That is why there is a lack of independent monitoring of the activities and results of the project."
- The money for the White Helmets is transferred in cash to the Syrian border or via the hawala system into the country. It is 'problematic' that Mayday does not know how much money is being paid via which route. That is why there is a risk that money has fallen into the hands of armed groups. The cash flow can also be used indirectly for illegal trade. Systematic monitoring of the cash flow is missing.
- The White Helmets are active in areas where armed groups are in power that are considered 'unacceptable' in the Netherlands. Contact between the White Helmets and local administrators who work with extremist organizations is inevitable.'

(Ana van Es, 'Nederland stopt steun aan Syrische oppositie wegens gebrekkig toezicht op hulpprojecten; Britse organisatie ontkent kritiek', *de Volkskrant*, 18 September 2018, translated by Google: <https://www.volkskrant.nl/nieuws-achtergrond/nederland-stopt-steun-aan-syrische-oppositie-wegens-gebrekkig-toezicht-op-hulpprojecten-britse-organisatie-ontkent-kritiek~bda7b84e/>)

There does appear to be quite some controversy within the Dutch parliament (see Sonja van den Ende, 'The Dutch debate on Syria at the parliament, where it was not about war crimes conducted in Syria, but administrative errors', *FreeSuriyah*: <http://freesuriyah.eu/?p=2531>)

[23] A concise summary of research on this matter is included in the WGSPM Briefing Note of 26 June 2019: <http://syriapropagandamedia.org/briefing-notes-3/how-the-opcws-investigation-of-the-douma-incident-was-nobbled>.

[24] An internal note shared among OPCW staff members dated 23 June 2018 stated that: 'the OPCW report on the alleged chemical attack in Douma Syria on 7 April is currently under review by management. As it is currently drafted, the report indicates a high degree of probability that the alleged chemical attack was staged by an opposition group.' The note concluded: 'I predict that the OPCW simply will not be allowed to issue a report that raises any doubts on the pre-judged guilty party.' (Quoted in Paul McKeigue et al, 'How the OPCW's investigation of the Douman incident was nobbled', Working Group on Syria, Propaganda and Media, 26 June 2019: <http://syriapropagandamedia.org/briefing-notes-3/how-the-opcws-investigation-of-the-douma-incident-was-nobbled>)

[25] This alleged attack was subject to sceptical scrutiny at the time, (see Paul McKeigue, 'Alternative explanations of the alleged chemical attack in Khan Sheikhoun: a reassessment in the light of the report of the Joint Investigative Mechanism', 22 December 2017: <https://timhayward.wordpress.com/2017/12/22/khan-sheikhoun-chemical-attack-guest-blog-featuring-paul-mckeigues-reassessment/>). The revelation of suppressed information about the Douma incident increases reasons for scepticism: 'We note that the Douma incident was the first alleged chemical attack in Syria where OPCW investigators were able to carry out an unimpeded on-site inspection. Since 2014, OPCW Fact-Finding Missions investigating alleged chemical attacks in opposition-held territory have relied for evidence on witnesses and materials collected by opposition-linked NGOs of doubtful provenance, including the CBRN Task Force, the Chemical Violations Documentation Centre Syria, and the White Helmets. ... the finding that the Douma incident was staged, based on a careful on-site inspection, should cast doubt on the findings of these earlier Missions.'

(McKeigue et al, '[Assessment by the engineering sub-team](#)').)