



OPCW

Organisation for the Prohibition of Chemical Weapons

Director-General

The Hague, 21 December 2020

L/ODG-3/20

Excellency,

*Dear Ambassador,  
Dear Alexander,*

Thank you for your letter of 16 December 2020 concerning the request to the OPCW Secretariat (Secretariat) to conduct a technical assistance visit to the Russian Federation under Article VIII(38)(e) of the Chemical Weapons Convention (CWC).

The Secretariat applies in the same manner the same rules, procedures, and principles to all 193 States Parties, in line with the CWC, decisions of the OPCW policy-making organs, the Secretariat's internal procedures, and relevant international standards.

Following these rules and in line with its practice, the Secretariat has endeavoured to ensure that the request for technical assistance visit made by the Russian Federation be dealt with in the same manner as has been the case with similar requests made by other States Parties. This includes defining the parameters of activities that the Secretariat would perform during the visit, in the framework of the Convention.

The same procedures to be followed with regard to any collection or receipt of samples and medical information would also apply to the visit. In this respect, in all its activities related to alleged use of chemical weapons, the Secretariat always seeks informed consent from victims to collect or receive their samples, or process the analysis of such samples. The same principle of informed consent is applied when the Secretariat receives testimonies from witnesses and victims of such allegations.

The analysis of samples is always performed through the dedicated network of OPCW designated laboratories in order to ensure the independence and integrity of the process.

Furthermore, the Secretariat reiterates that the privileges and immunities under Part II of the Verification Annex of the Convention do not cover activities to be performed under a technical assistance visit request.

For this reason, the Secretariat reiterates that the ad hoc privileges and immunities agreement with Germany in relation to the technical assistance visit was concluded prior to the Secretariat team's deployment to Germany, during which samples were collected by the OPCW experts.

The Secretariat will continue to ensure that all States Parties to the Chemical Weapons Convention are supported in the same independent and expert manner.

In closing, the Secretariat acknowledges the statement made by the Russian Federation that the requested mission does not seem to be relevant.

Please accept, Excellency, the assurances of my highest consideration.

*and my best regards*

*Fernando Arias*  
Fernando Arias

H.E. Mr Alexander Vasilievich Shulgin  
Ambassador and Permanent Representative of the Russian Federation to the OPCW  
Andries Bickerweg 2  
2517 JP The Hague



ПОСТОЯННЫЙ ПРЕДСТАВИТЕЛЬ  
РОССИЙСКОЙ ФЕДЕРАЦИИ  
ПРИ ОРГАНИЗАЦИИ ПО ЗАПРЕЩЕНИЮ  
ХИМИЧЕСКОГО ОРУЖИЯ

PERMANENT REPRESENTATIVE  
OF THE RUSSIAN FEDERATION  
TO THE ORGANISATION FOR THE PROHIBITION  
OF CHEMICAL WEAPONS



Гаага, "16" декабря 2020

*Дорогой Фернандо,*  
Ваше Превосходительство,

Признателен за Ваш ответ на моё письмо от 4 декабря 2020 года, который нам показался уже менее риторическим, чем Ваши предыдущие послания, но всё еще недостаточно убедительным в отношении организационных параметров оказания Российской Федерации технического содействия на основании п.38 (е) статьи VIII Конвенции о запрещении химического оружия (КЗХО). В этой связи хотелось бы поделиться с Вами следующими соображениями.

1. Не можем согласиться с тем, что объём иммунитетов и привилегий экспертов ОЗХО в ходе их пребывания на территории государства-участника КЗХО в целях инспекций объектов по уничтожению химического оружия или объектов химической промышленности чем-то отличается от данного случая, связанного с оказанием технического содействия по п.38 (е) статьи VIII КЗХО. Кроме того, обращают на себя внимание проводимые Вами параллели с оказанием ранее такого содействия Великобритании и ФРГ, хотя его параметры, как мы понимаем, в каждом конкретном случае определяются

Е.П. ФЕРНАНДО АРИАСУ  
ГЕНЕРАЛЬНОМУ ДИРЕКТОРУ  
ТЕХНИЧЕСКОГО СЕКРЕТАРИАТА ОЗХО

г.Гаага

непосредственно запрашивающим государством. Так, Малайзия, к примеру, вообще ограничилась, насколько мы знаем, запросом у ОЗХО специализированного оборудования.

В случае с ФРГ забор биоматериалов А.Навального осуществлялся, как утверждает немецкая сторона, еще до официального обращения по поводу технического содействия и подписания документа по привилегиям и иммунитетам. Таким образом, это неординарное, прямо сказать, стечение обстоятельств не помешало руководству Технического секретариата оперативно направить в Берлин специалистов ОЗХО. На наш взгляд, такое положение дел указывает на ту существенную разницу в подходах Технического секретариата к оказанию содействия стране, публично обвинившей Российскую Федерацию в нарушении КЗХО без веских на то оснований, и России, которая с точки зрения буквы и духа КЗХО является пострадавшей стороной, поскольку заявленные Берлином якобы преступные деяния были совершены в отношении российского гражданина и, как утверждается, на российской же территории.

Позвольте напомнить Вам, господин Генеральный директор, что основной целью предложенного нами визита в Российскую Федерацию специалистов ОЗХО был ответ на, пожалуй, главный вопрос: где, когда и при каких обстоятельствах в биологических пробах российского гражданина появилось обнаруженное за пределами Российской Федерации химическое вещество. Без ответа на этот вопрос российские правоохранительные органы не могут завершить предусмотренную законодательством Российской Федерации доследственную проверку для того, чтобы определить возможные признаки состава преступления и при наличии таковых возбудить уголовное дело.

Кроме того, вновь вынуждены обратить Ваше внимание на то обстоятельство, что в соответствии с российским законодательством формат договорённостей по привилегиям и иммунитетам, на котором настаивает Технический секретариат, требует императивного выполнения внутригосударственных процедур, а именно – ратификации Федеральным Собранием Российской Федерации. В случае же с ФРГ такие «сверхнормативные» по отношению к уже имеющимся аналогичным обязательствам по КЗХО юридически обязывающие договоренности достигаются и реализуются куда проще – без участия законодательных органов власти.

2. В отношении согласия А.Навального на определённые действия правоохранительных и других государственных структур с его биологическими материалами напоминаем Вам, что в контексте места и юрисдикции, в пределах которых произошли августовские с.г. события с этим гражданином, действует статья 144 Уголовно-процессуального кодекса Российской Федерации. В соответствии с ее положениями следственный орган имеет полномочия по производству необходимых процессуальных действий для проведения надлежащих мероприятий и при отсутствии согласия на этот счёт самого А.Навального.

Что касается упомянутого Вами в качестве обоснования императива такого согласия решения Конференции государств-участников КЗХО C-I/DEC.47 от 16 мая 1997 года, то не могу Вам не возразить: это решение относится исключительно к расследованиям случаев предполагаемого применения химического оружия. В ситуации же с А.Навальным речь идёт об обнаружении в ФРГ следов неких химикатов, причем не входящих в контрольные списки КЗХО.

Мы с некоторым удивлением ознакомились с Вашими ремарками на эту тему, где Вы сказали, в частности, что «отравление человека с использованием нервно-паралитического вещества является применением химического оружия вне зависимости от того, включено оно в Список 1 Приложения по химикатам к КЗХО или нет». На наш взгляд, Вы весьма опрометчиво позволили себе дать такую оценку произошедшего с А.Навальным лишь на основании того, что кто-то где-то за пределами Российской Федерации обнаружил некие химические вещества, на основании чего были сделаны абсолютно неприемлемые с международно-правовой точки зрения выводы, которые могут восприниматься несведущей публикой как де-факто нарушение Российской Федерацией КЗХО.

Вновь вынужден Вам напомнить, что ответ на главный вопрос – где, когда и при каких обстоятельствах в биологических пробах российского гражданина появилось обнаруженное за пределами Российской Федерации химическое вещество, так и не получен. Причина тому – деструктивная позиция ФРГ, Франции и Швеции в отношении наших запросов в рамках Европейской конвенции о взаимной правовой помощи по уголовным делам 1959 года, а также на основании статей VII и IX КЗХО. Откровенно говоря, все это выглядит как сговор, в основе которого лежит пресловутая евроатлантическая «солидарность». И задача вполне понятна – оправдание применяемых в отношении Российской Федерации санкций.

3. Подтверждаем, что целью нашего взаимодействия с экспертами ОЗХО является не пропагандистская кампания с привлечением СМИ в стиле «мегафонной дипломатии», которую раскручивают на Западе, начиная с инспирированного Великобританией против России «дела Скрипалей», а поиск

истины с соблюдением всех предусмотренных КЗХО требований по конфиденциальности. В этой связи хотел бы поинтересоваться, как в Техническом секретариате расценивают отказ Берлина от сотрудничества с нами по п.2 статьи VII и п.2 статьи IX КЗХО с параллельным предоставлением доступа к биоматериалам российского гражданина Парижу и Стокгольму?

4. Что касается Вашего скептического отношения к нашему основному предложению – проведению совместного со специалистами ОЗХО исследования оставшихся в Российской Федерации биоматериалов А.Навального на базе сертифицированной ОЗХО лаборатории «НИИ гигиены, профпатологии и экологии человека» ФМБА России (г.Санкт-Петербург), то Ваши ссылки на беспрецедентность такой постановки вопроса нас абсолютно не убеждают.

Уже при Вашем руководстве Техническим секретариатом было создано достаточное количество прецедентов. Взять хотя бы учреждение нелегитимной Группы по расследованию и идентификации, что противоречит КЗХО и вторгается в сферу полномочий Совета Безопасности ООН. Во всей этой неприемлемой с точки зрения авторитета ОЗХО и целостности КЗХО истории Вы, господин Генеральный директор, и Ваши ближайшие советники в инициативном порядке сыграли, пожалуй, ключевую роль, выйдя далеко за рамки данных Техническому секретариату руководящими органами ОЗХО полномочий. И причины тоже ясны: на этот счет был «политический заказ» евроатлантического сообщества.

5. Ваше требование предоставить ОЗХО всю «сопутствующую информацию» по состоянию здоровья А.Навального нас не удивило, поскольку аналогичное пренебрежительное отношение к полноправному государству-

участнику КЗХО мы постоянно наблюдаем на примере Сирии, которую на протяжении уже нескольких лет регулярно обвиняют во всех «смертных грехах» по КЗХО.

6. Подтверждаем наше намерение обнародовать переписку с Вами по вопросам согласования параметров оказания Российской Федерации технического содействия на основании п.38 (е) статьи VIII КЗХО.

7. Что касается Вашей готовности «незамедлительно» направить экспертов ОЗХО в Российскую Федерацию при «выполнении российской стороной изложенных вами требований», то по прошествии вот уже почти трёх месяцев и с учётом столь пренебрежительного отношения к нашим изначальным предложениям потребность в такой миссии уже не выглядит очевидной.

Пользуясь случаем, позвольте, господин Ф.Ариас, *дорогой Фернандо!* поздравить Вас и Ваших близких с наступающим Рождеством и пожелать всего самого наилучшего в Новом 2021 году.

Примите, Ваше Превосходительство, уверения в моём весьма высоком уважении.



Александр ШУЛЬГИН



ПОСТОЯННЫЙ ПРЕДСТАВИТЕЛЬ  
РОССИЙСКОЙ ФЕДЕРАЦИИ  
ПРИ ОРГАНИЗАЦИИ ПО ЗАПРЕЩЕНИЮ  
ХИМИЧЕСКОГО ОРУЖИЯ

PERMANENT REPRESENTATIVE  
OF THE RUSSIAN FEDERATION  
TO THE ORGANISATION FOR THE PROHIBITION  
OF CHEMICAL WEAPONS



The Hague, “16” December 2020

Excellency,

*Dear Fernando,*  
I'm grateful for your response to my letter of December 4, 2020, which we found less rhetorical than your previous messages, but still not convincing enough with respect to the organizational modalities for providing technical assistance to the Russian Federation under Article VIII(38)(e) of the Chemical Weapons Convention (CWC). In this connection, I would like to share with you the following.

1. We cannot agree with the fact that the privileges and immunities of the OPCW experts during their stay on the territory of a State Party to the CWC for the purpose of inspections of the chemical industry and destruction of chemical weapons differ in any way from the case of technical assistance visit (TAV) under Article VIII(38)(e) of the CWC. In addition, the parallels you drew with the previous TAVs conducted in the United Kingdom and Germany are noteworthy, although the parameters for such assistance, as we understand, are determined directly by the requesting State Party in each specific case. So, Malaysia, for example, generally limited itself, as far as we know, to requesting specialized equipment from the OPCW.

H.E. MR FERNANDO ARIAS  
DIRECTOR-GENERAL  
OF THE TECHNICAL SECRETARIAT OF THE OPCW

The Hague



In case of the Federal Republic of Germany, the collection of A.Navalny's biomaterials was carried out, according to the German side, even before the official request for technical assistance and the signing of the document on privileges and immunities. Thus, this extraordinary, frankly speaking, coincidence did not prevent the leadership of the Technical Secretariat from promptly sending OPCW experts to Berlin. In our view, this points to a significant difference in the approaches of the Technical Secretariat: on the one hand to assist a country that without any good reason has publicly accused the Russian Federation of violating the CWC, and on the other hand – Russia, which, in terms of the letter and spirit of the CWC, is an injured party, since the alleged criminal acts claimed by Berlin were committed against a Russian citizen and, allegedly, on Russian territory.

Excellency, let me remind you that the main purpose of the proposed visit to the Russian Federation by OPCW specialists was to answer, perhaps, the main question: where, when and under what circumstances did the chemical substance identified outside the Russian Federation appear in the biological samples of a Russian citizen. Without an answer to this question, Russian law enforcement agencies cannot complete the pre-investigation check provided for by the legislation of the Russian Federation in order to determine possible signs of a crime and, if there are any, initiate a criminal proceeding.

In addition, we once again have to draw your attention to the fact that, in accordance with Russian legislation, the format of agreements on privileges and immunities, which the Technical Secretariat insists on, requires mandatory implementation of domestic procedures, namely, ratification by the Federal Assembly of the Russian Federation. In case of the Federal Republic of Germany, such legally binding agreements that are "above the norm" in relation to existing similar obligations under the CWC are achieved and

implemented much easier – without the participation of legislative authorities.

2. Let me also remind you that with regard to the consent of A.Navalny to certain actions with his biological materials by law enforcement and other state structures Article 144 of the Criminal Procedure Code of the Russian Federation applies in the context of the place and jurisdiction within which the events with this Russian citizen took place in August this year. In accordance with its provisions, the investigative body has the authority to take the necessary procedural actions to carry out appropriate measures in the absence of the consent of A.Navalny.

With regard to the decision of the Conference of the States Parties to the CWC (C-I/DEC.47 of 16 May 1997), which you mentioned as a justification for the imperative of such consent, I cannot but object: this decision applies exclusively to investigations into the alleged use of chemical weapons. In case of A.Navalny, we are talking about the identification in Germany of traces of certain chemicals that are not included in the corresponding Annex to the CWC.

It was with some surprise that we noted your remarks on this issue, in particular, that “the poisoning of an individual through the use of any nerve agent is a use of a chemical weapon, whether or not this chemical is included in Schedule 1 of the Annex on Chemicals to the Convention”. From our perspective your assessment of what happened to A.Navalny is quite reckless. It is based solely on the fact that someone outside the Russian Federation has found some chemicals, which brought to conclusions that are absolutely inadmissible under the international law. These conclusions may be regarded by uninformed people as de facto violation by the Russian Federation of its obligations under the CWC.

I have to recall that we have not received the answer to the main question – where, when and under what circumstances the chemical that was identified outside the Russian Federation appeared in the biomedical samples of the Russian citizen. The reason is the destructive position of Germany, France and Sweden with regard to our requests in accordance with the European Convention on Mutual Assistance in Criminal Matters of 1959, as well as under Articles VII and IX of the CWC. Honestly, it looks like a conspiracy based on the well-known Euro-Atlantic solidarity. And its goal is completely clear - to justify sanctions against the Russian Federation.

3. We confirm that our interaction with OPCW experts is aimed at searching for the truth in full compliance with the confidentiality requirements under the CWC, rather than launching a propaganda campaign involving the media in the style of “megaphone diplomacy” that is being promoted by the Western countries, as it was well illustrated in the Skripals case, orchestrated by the United Kingdom against Russia. In this regard, I would like to inquire what is the Technical Secretariat’s opinion about Berlin's refusal to cooperate with Russia under para.2 of Article VII and para.2 of Article IX of the CWC with a parallel sharing of Russian citizen’s biomaterials with Paris and Stockholm?

4. As for your skeptical approach to our core proposal – to jointly study with OPCW experts the remaining volumes of biomaterials collected from A.Navalny at the OPCW-certified “Laboratory of Chemical Analytical Control and Biotesting, Research Institute of Hygiene, Occupational Pathology and Human Ecology (RIHOPHE)” of the Federal Medical-Biological Agency of Russia (Saint-Petersburg), we believe that your reference to the lack of such precedents is absolutely unconvincing.

A sufficient number of precedents have been created under your leadership of the Technical Secretariat. For example, the establishment of an illegitimate Investigation and Identification Team, which contradicts the CWC and interferes into the authority of the United Nations Security Council. This case is unacceptable with regards to the OPCW's authority and the integrity of the CWC, and you, Mr. Director General, and your closest advisers have played, perhaps, a key proactive role, going far beyond the powers given to the Technical Secretariat by the OPCW policy-making organs. The reason is also clear: there was a political order from the Euro-Atlantic community.


5. Your request to provide the OPCW with all relevant information on the medical condition of A. Navalny did not surprise us, since we constantly observe a similar disregard for Syria, a full-fledged State Party to the CWC, which for several years has been repeatedly accused of all deadly sins in the context of the CWC.

6. We confirm our intention to publish our correspondence on the provision of technical assistance to the Russian Federation under Article VIII (38) (e) of the CWC.

7. As for your readiness to deploy experts to the Russian Federation immediately, "provided that the Russian Federation meets the above mentioned requirements", I would like to note that after almost three months and taking into account the disregard for our initial proposals, such a mission does not seem to be relevant.

Dear Mr. Arias, <sup>Dear Fernando,</sup> taking this opportunity let me wish you and your loved ones a Merry Christmas and a Happy New 2021 Year.

Please accept, Excellency, the assurances of my highest consideration.



Alexander SHULGIN



The Hague, 9 December 2020  
L/ODG/224853/20

Dear Ambassador,  
Dear Alexander:  
Excellency,

I refer to your letter of 4 December 2020 related to the request made by the Russian Federation to the OPCW Secretariat to conduct a technical assistance visit to the Russian Federation under Article VIII(38)(e) of the Chemical Weapons Convention.

1. I recall that Article VIII(50) requires that the privileges and immunities of the OPCW be defined in agreements between the OPCW and States Parties for all the activities undertaken by the OPCW on the territory of a State Party, except for those contemplated under the Verification Annex.

In this connection, I wish to recall that the provisions of the Verification Annex concerning privileges and immunities bind the Member States from the date of their accession to the Convention, and are exclusively related to the inspections of the chemical industry and destruction of chemical weapons. These privileges and immunities do not apply to technical assistance visits.

In this vein, the United Kingdom concluded a comprehensive privileges and immunities agreement pursuant to Article VIII(50) prior to the technical assistance visits to the United Kingdom in 2018 related to the Salisbury and Amesbury incidents.

Similarly, Germany entered into an ad hoc privileges and immunities agreement with the OPCW for the purpose of the technical assistance visit last September.

Consequently and in order to undertake the technical assistance visit to the Russian Federation, the Secretariat has requested that the Russian Federation enter into an ad hoc agreement on privileges and immunities with the Organisation. In this regard, the Secretariat has not yet received a response to its communication dated 16 November 2020 regarding the conclusion of a Memorandum of Understanding that would cover the necessary privileges and immunities in relation to the requested visit.

The Secretariat, therefore, looks forward to receiving your response to the Secretariat's above communication on this outstanding issue.

2. The Secretariat underlines that Mr Navalny's consent to grant the OPCW access to his medical records and information, including biomedical samples, is based on a principle widely recognised by international organisations, including the World Health Organisation.

H.E. Mr Alexander Vasilievich Shulgin  
Ambassador and Permanent Representative of the Russian Federation to the OPCW  
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The need for a individual's consent is also reflected in a decision of the Conference of the States Parties of the OPCW (C-I/DEC.47, dated 16 May 1997).

Moreover, the need to obtain such consent is also provided for under the internal rules of the Organisation, which have been established a long time ago and consistently applied by the Secretariat when undertaking its activities.

Accordingly, the same rules have been consistently adhered to when preparing for and undertaking technical assistance visits pursuant to a request by a State Party.

For instance, Mr Navalny's consent was obtained in relation to the technical assistance to Germany at the beginning of September.

3. The Secretariat welcomes your assurance that the arrival of the OPCW mission members will remain confidential. It understands from your letter that such confidentiality shall continue for the full duration of the mission and that there will be no media presence during the visit of the OPCW team.
4. With regard to the request for a "joint study" of biomedical samples at the Laboratory referred to in your letter under the Russian Federal Medical and Biological Agency (Saint Petersburg), such an activity falls outside the scope of existing procedures, and has not been conducted during any previous OPCW visit pursuant to a request for technical assistance.

In connection with the technical assistance visits conducted in the United Kingdom and Germany, the Secretariat neither jointly studied, nor co-analysed samples on site with the States Parties in question.

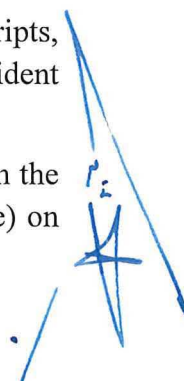
In these instances and as per the established rules, the Secretariat collected samples and sent them to designated laboratories for analysis, in order to guarantee the independence of the activities conducted and to respect the confidentiality related to the analysis of samples.

The Secretariat is thus applying the same approach to the United Kingdom, Germany, and the Russian Federation.

In that regard, the Secretariat emphasises its readiness to receive samples from the Russian Federation, which it will instantly dispatch to the OPCW designated laboratories for analysis.

5. In addition, the Secretariat stands ready to receive all relevant information, transcripts, recordings, documentation, testimonies, and sample analyses related to the incident involving Mr Navalny on the territory of the Russian Federation.
6. Finally, in line with your request, the Secretariat will publish this correspondence on the provision of technical assistance to the Russian Federation under Article VIII(38)(e) on the website of the OPCW.

...

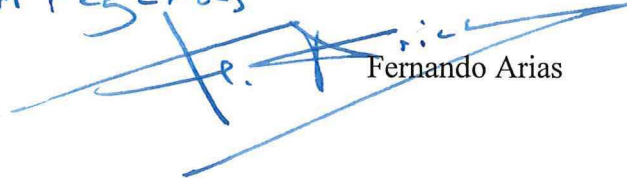


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7. During our telephone conversation on 4 December 2020, you outlined that the Secretariat should provide a response to your letter as soon as possible, and that the visit should take place no later than 11 December 2020. This letter gives me the opportunity to reiterate the readiness of the Secretariat to deploy experts to the Russian Federation immediately, provided that the Russian Federation meets the above mentioned requirements.

Please accept, Excellency, the assurances of my highest consideration.

With my best regards

A handwritten signature in blue ink, appearing to be 'F. Arias', written over a horizontal line.

Fernando Arias



**ПОСТОЯННЫЙ ПРЕДСТАВИТЕЛЬ  
РОССИЙСКОЙ ФЕДЕРАЦИИ  
ПРИ ОРГАНИЗАЦИИ ПО ЗАПРЕЩЕНИЮ  
ХИМИЧЕСКОГО ОРУЖИЯ**

PERMANENT REPRESENTATIVE  
OF THE RUSSIAN FEDERATION  
TO THE ORGANISATION FOR THE PROHIBITION  
OF CHEMICAL WEAPONS

N 80  
Гаага, "04" декабря 2020

Ваше Превосходительство,

Признателен за Ваше очередное письмо (L/ODG/224741/20 от 27 ноября 2020 года) в ответ на мое повторное обращение о выработке алгоритма оказания технического содействия Российской Федерации на основании п.38 (е) статьи VIII Конвенции о запрещении химического оружия (КЗХО) в связи с ситуаций с А.Навальным.

С сожалением вынужден вновь констатировать, что руководство Технического секретариата ОЗХО так и не дало вразумительного ответа на наше первоначальное предложение по модальностям визита экспертов ОЗХО в Российскую Федерацию.

В первую очередь имею в виду предложенные нами соображения по проведению совместного исследования оставшихся объемов отобранных у А.Навального биоматериалов на базе 62-й лаборатории «НИИ гигиены, профпатологии и экологии человека» ФМБА России (г.Санкт-Петербург) с использованием для этих целей доставленных в Россию представителями ОЗХО специализированного оборудования и реактивов. Для нас этот аспект имеет принципиальное значение,

Е.П. ФЕРНАНДО АРИАСУ  
ГЕНЕРАЛЬНОМУ ДИРЕКТОРУ  
ТЕХНИЧЕСКОГО СЕКРЕТАРИАТА ОЗХО

г.Гаага



поскольку ФРГ, Франция и Швеция отказываются предоставить данные, позволяющие разобраться в сложившейся ситуации.

Ключевой вопрос остается прежним: где, когда и при каких обстоятельствах в биопробах российского гражданина появилось обнаруженное за пределами Российской Федерации химическое вещество. Эти сведения необходимы для определения признаков возможного состава преступления, на основании которых российские следственные органы могли бы завести в соответствии с российским законодательством уголовное дело. Допускаем, что его итоги могут высветить иную картину произошедшего, нежели та, которую пытается навязать известная группа стран, руководствуясь целями и подходами, не имеющими никакого отношения к общепринятым правовым нормам, к букве и духу КЗХО.

Вновь довожу до Вашего сведения, что в соответствии со статьей 144 Уголовно-процессуального кодекса Российской Федерации следственный орган имеет полномочия по производству необходимых процессуальных действий для проведения надлежащих мероприятий и при отсутствии согласия на этот счет самого А.Навального.

В этой связи отмечаю некоторое противоречие в изложенной в Вашем письме от 27 ноября 2020 года позиции, где, с одной стороны, в качестве императива нашего дальнейшего взаимодействия с ОЗХО определено согласие А.Навального на доступ сотрудников Организации к его биомедицинским данным, а с другой – от нас требуют предоставить такой доступ ко всем имеющим отношение к инциденту сведениям, записям, документации и результатам ранее проведенных на территории Российской Федерации анализов проб.

В очередной раз с сожалением обращаю внимание, что подходы Технического секретариата ОЗХО к взаимодействию с нами резко контрастируют с ранее проявленной Вами архикооперабельностью при оказании технического содействия Великобритании, Малайзии и ФРГ. Отношение к Российской Федерации как к де-факто нарушителю КЗХО абсолютно неприемлемо. Категорически отвергаем такую постановку вопроса.

Что касается обеспечения конфиденциальности пребывания представителей ОЗХО в Российской Федерации, то в этом Вы можете быть полностью уверены, поскольку интересы последственной проверки требуют по российскому законодательству именно такого подхода. Это является необходимым условием и для того, чтобы в конечном итоге истина восторжествовала.

Не следует Вам, уважаемый г-н Генеральный директор, сомневаться и в соблюдении российской стороной привилегий и иммунитетов сотрудников Технического секретариата. Они на протяжении многих лет посещали нашу страну в ходе инспекций при реализации национальной программы по уничтожению запасов химического оружия в Российской Федерации, которая, несмотря на серьезные финансовые и технологические сложности, была завершена досрочно. Продолжают Ваши эксперты инспектировать объекты химической промышленности в нашей стране и по сей день.

Очень рассчитываю, что Вы все же предметно отреагируете на наши предложения, изложенные в памятной записке от 16 октября 2020 года и в моем письме от 11 ноября 2020 года. Пока же приходится констатировать, что содержание Ваших ответов не дает возможности в конструктивном ключе продвинуться вперед.

Подтверждаю согласие на опубликование нашей переписки по вопросу оказания Российской Федерации технического содействия на основании п.38 (е) статьи VIII КЗХО на веб-сайте Организации.

Примите, Ваше Превосходительство, уверения в моем весьма высоком уважении.



Александр ШУЛЬГИН



PERMANENT REPRESENTATIVE  
OF THE RUSSIAN FEDERATION  
TO THE ORGANISATION FOR THE PROHIBITION  
OF CHEMICAL WEAPONS

No. 80

The Hague, “ 4 ” December 2020

Your Excellency,

Thank you for your most recent letter (L/ODG/224741/20, dated 27 November 2020) in response to my repeated appeal to work out an algorithm for the provision of technical assistance to the Russian Federation under paragraph 38(e), Article VIII of the Chemical Weapons Convention (hereinafter, “the Convention”) concerning the situation with A. Navalny.

It is with regret that I am forced to state again that the management of the OPCW Technical Secretariat has not provided a meaningful response to our initial proposal on the modalities of the visit of OPCW experts to the Russian Federation.

Most notably, this concerns the considerations that we proposed on conducting a joint study of the remaining amounts of the biomaterials collected from A. Navalny at Laboratory 62 of the Scientific Research Institute for Hygiene, Occupational Pathology, and Human Ecology under the Russian Federal Medical and Biological Agency (Saint Petersburg), while using for these purposes specialised equipment and reagents delivered to Russia by OPCW representatives. This aspect is of key importance to us

H.E. FERNANDO ARIAS  
DIRECTOR GENERAL  
TECHNICAL SECRETARIAT OF THE OPCW

The Hague

as the Federal Republic of Germany, France, and Sweden refuse to provide information that would make it possible to resolve the situation that has developed.

The key question remains the same: where, when, and under what circumstances did the chemical—which was detected outside the borders of the Russian Federation—appear in the biological samples of the Russian citizen. This information is crucial for determining the signs of a potential element of a crime, which could serve as the basis upon which Russian investigatory bodies could open a criminal case in line with Russian legislation. We presume that the results thereof could bring to light a scenario of what took place different from the one that a known group of countries is trying to insist upon, whilst being governed by goals and approaches that have nothing to do with generally recognised norms or the letter and spirit of the Convention.

I again inform you that in line with Article 144 of the Criminal Procedural Code of the Russian Federation, an investigative body is authorised to conduct the requisite proceedings to carry out the appropriate measures even without the consent to do so from A. Navalny himself.

In this regard, I note a certain contradiction in the position set out in your letter dated 27 November 2020 where, on the one hand, the consent of A. Navalny allowing Organisation staff to access his biomedical data is qualified as an imperative for our continued cooperation with the OPCW, while on the other hand, we are being required to provide this type of access to all relevant information, correspondence, documentation, and results of sample analyses conducted within the territory of the Russian Federation.

It is once again with regret that I bring attention to the fact that the approach of the OPCW Technical Secretariat to collaboration with us is in sharp contrast to the great eagerness to cooperate that you previously demonstrated when providing technical assistance to Great Britain, Malaysia, and the Federal Republic of Germany. The perception of the Russian Federation as a de facto violator of the Convention is absolutely unacceptable. We categorically reject such a portrayal of the situation.

With regard to ensuring the confidentiality of the arrival of OPCW representatives in the Russian Federation, you can fully rest assured on that matter, as the interests of pre-investigatory measures require exactly that approach under Russian law. This is also a required condition to ensure that the truth prevails in the end.

You should not, distinguished Director-General, have any doubts with regard to the Russian side's compliance with the privileges and immunities of the staff of the Technical Secretariat. They have visited our country over the course of many years for inspections during the implementation of the national programme to destroy chemical weapons stockpiles in the Russian Federation, which—in spite of serious financial and technological challenges—was completed early. Your experts continue to inspect chemical industry facilities in our country to this day.

I am very much counting on a substantive response to our proposals as set out in the memorandum dated 16 October 2020, and my letter dated 11 November 2020. For now, it must be said that the contents of your responses have not provided an opportunity to make constructive progress.

I confirm my consent to publish our correspondence on the provision of technical assistance to the Russian Federation under paragraph 38(e), Article VIII of the Convention on the Organisation's website.

Your Excellency, please accept the assurances of my highest consideration.

[signature]

Alexander SHULGIN



OPCW

Organisation for the Prohibition of Chemical Weapons

Director-General

The Hague, 27 November 2020

L/ODG/224741/20

Subject: Request for a Technical Assistance Visit to the Russian Federation

Excellency,

~~Dear Ambassador,~~  
~~Dear Alexander,~~

I received your letter dated 25 November 2020 and read it with attention. Since your request in October for the Technical Secretariat (Secretariat) of the Organisation for the Prohibition of Chemical Weapons (OPCW) to deploy experts to the Russian Federation in order to conduct a technical assistance visit under Article VIII(38)(e) of the Chemical Weapons Convention (CWC or Convention), the Secretariat has diligently engaged with the Russian Federation regarding the necessary arrangements for such a visit.

As requested in my letters dated 18 November and 26 October 2020, and during consultations with your staff, the following matters remain to be resolved:

- consent of Mr. Navalny to grant the OPCW access to his medical records and information, including biomedical samples, pursuant to the established procedure that the Secretariat applies when it is carrying out any activities involving individual privacy rights;
- assurances of confidentiality and no media presence during the mission;
- agreement from the Russian Federation to the Memorandum of Understanding on the necessary privileges and immunities in relation to the requested technical assistance visit; and
- access to relevant information, transcripts, recordings, documentation, testimonies, and sample analyses related to the incident involving Mr Navalny on the territory of the Russian Federation.

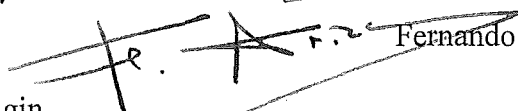
The Secretariat reiterates that sharing the content of the report of the technical assistance visit performed by the Secretariat in Germany remains the prerogative of the German Government as the assisted State Party. For that matter, the Secretariat recalls that Germany invited the Secretariat to work with the Russian Federation on the version of the report that was circulated through the Secretariat to all States Parties.

The system of designated laboratories has been set up by the OPCW in order to ensure the highest standards of independence and quality of sample analysis. In this respect, the Secretariat reiterates that it will immediately dispatch any samples it receives from the Russian Federation for analysis by designated laboratories, in accordance with the rules of the Organisation.

The Secretariat maintains its readiness to continue its close cooperation with the Russian Federation and to deploy under the relevant provisions of the Convention, without delay, once the aforementioned matters have been resolved.

Please accept, Excellency, the assurances of my highest consideration.

*With my best regards*

  
Fernando Arias

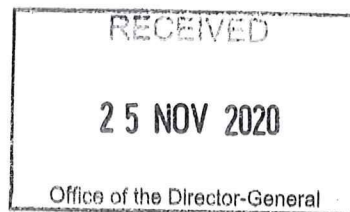
H.E. Mr Alexander Vasilievich Shulgin  
Ambassador and Permanent Representative of the Russian Federation to the OPCW  
Andries Bickerweg 2  
2517 JP The Hague





**ПОСТОЯННЫЙ ПРЕДСТАВИТЕЛЬ  
РОССИЙСКОЙ ФЕДЕРАЦИИ  
ПРИ ОРГАНИЗАЦИИ ПО ЗАПРЕЩЕНИЮ  
ХИМИЧЕСКОГО ОРУЖИЯ**

PERMANENT REPRESENTATIVE  
OF THE RUSSIAN FEDERATION  
TO THE ORGANISATION FOR THE PROHIBITION  
OF CHEMICAL WEAPONS



*N73*

Гаага, "*25*" ноября 2020

Ваше Превосходительство, *дорогой Фернандо,*

В связи с Вашим ответом на мое письмо от 11 ноября 2020 года с сожалением вынужден вновь констатировать, что Технический секретариат Организации по запрещению химического оружия (ОЗХО), видимо с подачи ряда антироссийски настроенных государств, стремится предельно политизировать условия оказания технического содействия Российской Федерации на основании пункта 38 (е) статьи VIII Конвенции о запрещении химического оружия (КЗХО). Такой подход сильно отличается от прецедентов по оказанию помощи в ответ на аналогичные обращения Великобритании, Малайзии и ФРГ.

В данном случае в Вашей позиции просматривается явный настрой на срыв этой миссии под надуманными предлогами, в частности, с упором на вполне предсказуемый отказ российского блогера А.Навального дать разрешение на обсуждение его истории болезни, хронических заболеваний и совместный анализ российскими специалистами и экспертами ОЗХО отобранных у него в Омске биологических проб.

Пользуясь случаем, информирую Вас, что в соответствии со статьей 144 Уголовно-процессуального кодекса Российской

Е.П. ФЕРНАНДО АРИАСУ  
ГЕНЕРАЛЬНОМУ ДИРЕКТОРУ  
ТЕХНИЧЕСКОГО СЕКРЕТАРИАТА ОЗХО

г.Гаага

Федерации следственный орган имеет полномочия по производству необходимых процессуальных действий для проведения перечисленных выше мероприятий, в том числе при отсутствии согласия на них самого А.Навального.

С учетом вышеизложенного и того обстоятельства, что с момента инцидента прошло уже три месяца, актуальность содействия со стороны Технического секретариата ОЗХО уже не столь очевидна. Субъективный подход к выполнению положений пункта 38 (е) статьи VIII КЗХО по отношению к запросу Российской Федерации лишний раз убеждает нас в том, что во всей этой явно срежиссированной не без участия извне истории сохраняется много белых пятен, неясностей, разночтений и нестыковок. На вопрос о том, какие химические вещества были обнаружены в биоматериале А.Навального и на каком этапе его столь оперативной транспортировки в Германию они там появились, ответы нужно искать, видимо, не только в формате взаимодействия правоохранительных структур, но и в рамках сотрудничества специальных служб по имеющимся партнерским каналам.

Будем и далее настаивать на предметных ответах на все наши многочисленные запросы в адрес ФРГ, Франции и Швеции, а также Технического секретариата ОЗХО во исполнение обязательств по Европейской конвенции о взаимной правовой помощи по уголовным делам 1959 года и пункту 2 статьи VII КЗХО (правовая помощь).

Также подтверждаю согласие на Ваше предложение относительно predания гласности нашей переписки по данному вопросу, включая настоящее письмо.

Примите, Ваше Превосходительство, уверения в моем весьма высоком уважении. *и готовности к дальнейшему тесному взаимодействию*



Александр ШУЛЬГИН



PERMANENT REPRESENTATIVE  
OF THE RUSSIAN FEDERATION  
TO THE ORGANISATION FOR THE  
PROHIBITION  
OF CHEMICAL WEAPONS

No. 73

The Hague, “ 25 ” November 2020

Your Excellency, Dear Fernando,

With regard to your response to my letter dated 11 November 2020, I do regret that I am forced to once again state that the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons (OPCW), likely at the behest of a number of States with anti-Russian leanings, aims to politicise as much as possible the conditions under which technical assistance can be provided to the Russian Federation in line with paragraph 38(e) of Article VIII of the Chemical Weapons Convention. This approach strongly differs from the precedents of the provision of assistance in response to similar requests from the United Kingdom, Malaysia, and the Federal Republic of Germany.

In this case, the clear mind-set of your position is perceived to undermine this mission under false pretences, emphasising in particular the wholly predictable refusal by the Russian blogger A. Navalny to give permission to discuss his clinical record, chronic disease, and to authorise a joint analysis by Russian experts and OPCW experts of the biological samples collected from him in Omsk.

I avail myself of this opportunity to inform you that, in line with Article 144 of the Criminal Procedural Code of the Russian

H.E FERNANDO ARIAS  
DIRECTOR GENERAL  
TECHNICAL SECRETARIAT OF THE OPCW

The Hague

Federation, an investigative body is authorised to conduct the requisite proceedings to carry out the measures listed above, including without the consent to do so from A. Navalny himself.

In light of the above and the fact that three months have already passed since the incident, the relevance of assistance from the OPCW Technical Secretariat is now not so clear. A subjective approach to the implementation of the provisions in paragraph 38(e) of Article VIII of the Convention with regard to the request from the Russian Federation convinces us yet again that this story, which has obviously been orchestrated, and not without outside interference, retains many blind spots, ambiguities, inconsistencies, and discrepancies. Regarding the question as to which chemicals were identified in A. Navalny's biomaterial and at which stage of his very prompt transfer to Germany they appeared, answers need to be searched for, and probably not only through collaboration among law enforcement agencies, but also within the framework of cooperation between the special services through existing partnership channels.

We will continue to insist on substantive responses to all of our numerous requests to the Federal Republic of Germany, France, and Sweden, as well as the OPCW Technical Secretariat in carrying out the obligations of the European Convention on Mutual Assistance in Criminal Matters of 1959 and paragraph 2 of Article VII of the Convention (legal assistance).

I also confirm my consent for your proposal regarding the publication of our correspondence on this matter, including this letter.

Your Excellency, please accept the assurances of my highest consideration and readiness to continue close cooperation.

[signature]

Alexander SHULGIN



OPCW

Organisation for the Prohibition of Chemical Weapons  
The Hague, 18 November 2020  
L/ODG/224609/20

Director-General

Excellency,

Dear Ambassador,

I refer to your letter of 11 November 2020 in relation to the Russian Federation's request that the Technical Secretariat (Secretariat) of the Organisation for the Prohibition of Chemical Weapons (OPCW or Organisation) deploy experts to the Russian Federation in order to conduct a technical assistance visit under Article VIII(38)(e) of the Chemical Weapons Convention (CWC or Convention).

At the outset, I want to reiterate the Secretariat's availability to conduct the requested visit under the CWC, relevant decisions of the policy-making organs, and applicable Secretariat procedures. The Secretariat awaits the Russian Federation's responses to the pending matters outlined in my letter of 26 October, including our request for no media presence during the mission, assurances of confidentiality during the mission, and written confirmation that the Secretariat is authorised under domestic Russian law and by Mr Navalny to be granted access to his medical records and information. I also take this opportunity to reiterate that the German Government is not in a position to authorise the Secretariat to share with the Russian Federation the full report of the technical assistance visit performed in Germany. It invited the Secretariat to refer to the version of the report that was circulated through the Secretariat.

The system of designated laboratories has been set up by the OPCW in order to ensure the independence and quality of sample analysis needed by the States Parties to the Convention. Toward this end, the Secretariat reiterates that it will immediately dispatch any samples it receives from the Russian Federation for analysis by designated laboratories, in accordance with the CWC, relevant decisions of the policy-making organs, and applicable Secretariat procedures.

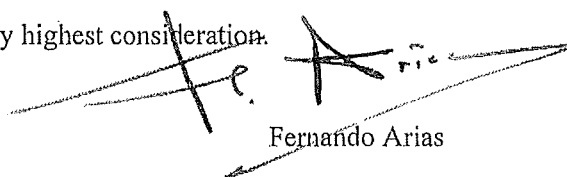
I also look forward to finalising the necessary privileges and immunities agreement with the Russian Federation in relation to the requested technical assistance visit.

Finally, I note that the present letter is a continuation of the discussion between the Secretariat and the Russian Federation pertaining to the letter that you handed to me during the sitting of the Executive Council on 6 October 2020.

I also note that the Russian Federation has requested that correspondence on this matter be circulated to all States Parties.

On this basis, and in order to carry on the Russian Federation's spirit of transparency, I would request, once again, that the Russian Federation let us know if it objects to the Secretariat sharing with all States Parties the communications from the Russian Federation.

Please accept, Excellency, the assurances of my highest consideration.



Fernando Arias

H.E. Mr Alexander Vasilievich Shulgin  
Ambassador and Permanent Representative of the Russian Federation to the OPCW  
Andries Bickerweg 2  
2517 JP The Hague



**ПОСТОЯННЫЙ ПРЕДСТАВИТЕЛЬ  
РОССИЙСКОЙ ФЕДЕРАЦИИ  
ПРИ ОРГАНИЗАЦИИ ПО ЗАПРЕЩЕНИЮ  
ХИМИЧЕСКОГО ОРУЖИЯ**

PERMANENT REPRESENTATIVE  
OF THE RUSSIAN FEDERATION  
TO THE ORGANISATION FOR THE PROHIBITION  
OF CHEMICAL WEAPONS

*N 69*

Гаага, "11" ноября 2020 года

Ваше Превосходительство,

Позвольте поблагодарить Вас за оперативную реакцию (L/ODG/224391/20 от 26 октября 2020 г.) на представленную российской стороной памятную записку в отношении визита для оказания технического содействия в соответствии с п.38 (е) статьи VIII КЗХО. В то же время вызывает удивление столь вольная и расширенная интерпретация Техническим секретариатом (далее – Секретариат) Организации по запрещению химического оружия (ОЗХО) конкретных предложений России по техническому заданию для миссии. Исходим из того, что параметры содействия определяются исключительно запрашивающей стороной, как это было, в частности, в случаях с Малайзией, Великобританией и ФРГ.

Хотел бы заверить Вас, что Россия заинтересована в запуске практического взаимодействия с экспертами ОЗХО и рассчитывает, что Секретариат оперативно согласует следующие переданные ранее предложения по его параметрам.

Е.П. Г-НУ ФЕРНАНДО АРИАСУ  
ГЕНЕРАЛЬНОМУ ДИРЕКТОРУ  
ТЕХНИЧЕСКОГО СЕКРЕТАРИАТА ОЗХО

г.Гаага

1. Приезд в Москву специалистов Секретариата для консультаций и реализации соответствующих мер в связи с декларируемым западными странами «отравлением» А.Навального.

2. Изучение и обсуждение в ходе пребывания экспертов Секретариата результатов исследования биоматериалов, отобранных у А.Навального российскими специалистами во время оказания первой медицинской помощи в Омске.

3. Обсуждение результатов исследований биоматериалов, отобранных у А.Навального специалистами Секретариата в германской клинике «Шарите» и затем проанализированных в двух назначенных ОЗХО лабораториях (документ S/1906/2020 от 6 октября 2020 г.), которые демонстрируют, что «А.Навальный подвергся воздействию токсичного химиката, действующего в качестве ингибитора холинэстеразы. Биомаркеры ингибитора холинэстеразы, обнаруженные в крови и моче А.Навального, имеют структурные характеристики, схожие с токсичными химикатами списков 1.А.14 и 1.А.15, которые были добавлены в Приложение по химикатам к КЗХО на 24-й сессии Конференции государств-участников КЗХО в ноябре 2019 года. Этот ингибитор холинэстеразы не внесен в Приложение по химикатам КЗХО».

4. По завершении консультаций в Москве совместное с российскими специалистами исследование оставшихся объемов отобранных у А.Навального в Омске биоматериалов на базе сертифицированной ОЗХО 62-й лаборатории «НИИ гигиены, профпатологии и экологии человека» ФМБА России (г.Санкт-Петербург) с использованием для этих целей доставленных в Россию представителями Организации специализированного оборудования и реактивов (аналогичных тем, которые применялись при анализе ранее проб, отобранных у

А.Навального в клинике «Шарите», в двух других назначенных лабораториях).

5. Результаты консультаций в Москве по ситуации вокруг А.Навального призваны способствовать определению российскими правоохранительными органами признаков состава возможного преступления на территории Российской Федерации.

Выражаем также надежду на оперативное рассмотрение со стороны Секретариата российских предложений по содержанию планируемого к подписанию двустороннего меморандума о взаимопонимании относительно указанного визита.

Примите, Ваше Превосходительство, уверения в моем весьма высоком уважении.



Александр ШУЛЬГИН





**ПОСТОЯННЫЙ ПРЕДСТАВИТЕЛЬ  
РОССИЙСКОЙ ФЕДЕРАЦИИ  
ПРИ ОРГАНИЗАЦИИ ПО ЗАПРЕЩЕНИЮ  
ХИМИЧЕСКОГО ОРУЖИЯ**

PERMANENT REPRESENTATIVE  
OF THE RUSSIAN FEDERATION  
TO THE ORGANISATION FOR THE PROHIBITION  
OF CHEMICAL WEAPONS

N 69  
The Hague, “11” November 2020

Excellency,

Let me thank you for your prompt reaction (L/ODG/224391/20 dated October 26, 2020) to the Russian *aide-mémoire* about the Technical Assistance Visit (TAV) under Article VIII (38) (e) of the CWC. At the same time we are surprised by the free and broad interpretation by the Technical Secretariat (Secretariat) of the Organisation for the Prohibition of Chemical Weapons (OPCW) of the Russian proposals in the context of technical modalities for the Mission. We proceed from the fact that all the parameters of a TAV are to be determined exclusively by a requesting side, as it was, in particular, in cases of Malaysia, the UK and Germany.

I would like to assure you that the Russian Federation is interested in launching the practical cooperation with the OPCW experts and kindly expects the Secretariat to promptly agree to the

H.E. MR FERNANDO ARIAS  
DIRECTOR-GENERAL  
OF THE TECHNICAL SECRETARIAT OF THE OPCW

The Hague

proposed parameters of the TAV that were presented earlier as follows.

1. The experts of the Secretariat are welcome to Moscow for consultations and taking appropriate measures with regard to the “poisoning” of A.Navalny that is being declared by some Western countries.

2 During the visit we intend to examine and discuss with the OPCW experts the results of the analysis of the biomedical samples of A.Navalny collected by Russian specialists in the course of providing him the first aid in Omsk.

3. We also plan to discuss the results of the analysis of the biomedical samples of A.Navalny collected by the OPCW team at “Charite Hospital” in Berlin and then analyzed by the OPCW designated laboratories (document S/1906/2020 dated 6 October 2020), which demonstrate that “A.Navalny was exposed to a toxic chemical acting as a cholinesterase inhibitor. The biomarkers of the cholinesterase inhibitor found in Mr Navalny’s blood and urine samples have similar structural characteristics as the toxic chemicals belonging to schedules 1.A.14 and 1.A.15 that were added to the Annex on Chemicals to the Convention during the 24<sup>th</sup> session of the Conference of the States Parties in November 2019. This cholinesterase inhibitor is not listed in the Annex on Chemicals to the Convention.”

4. Upon completion of consultations in Moscow, the OPCW experts are invited to jointly study with Russian specialists the remaining volumes of biomaterials collected from A.Navalny in Omsk at the OPCW-certified “62<sup>nd</sup> Laboratory of Chemical Analytical Control and Biotesting, Research Institute of Hygiene, Occupational Pathology and Human Ecology (RIHOPHE)” of the Federal Medical-Biological Agency of Russia (Saint-Petersburg) using the specialized

equipment and reagents delivered to Russia by representatives of the Secretariat (similar to those used in two other designated OPCW laboratories for the analysis of samples previously taken from A.Navalny at the “Charite Hospital”).

5. The results of consultations in Moscow are intended to assist the Russian law enforcement agencies in establishing any possible evidence of a crime (*corpus delicti*) on the territory of the Russian Federation.

We also hope for a prompt consideration by the Secretariat of the Russian proposals regarding the content of a bilateral Memorandum of Understanding with regards to the TAV, which is provided for signature.

Please accept, Excellency, the assurances of my highest consideration.

Alexander SHULGIN



# OPCW

Organisation for the Prohibition of Chemical Weapons

Director-General

The Hague, 26 October 2020

L/ODG/224391/20

Excellency, *Dear Ambassador,*

I refer to the *aide-mémoire* presented by the Russian Federation to the Technical Secretariat (Secretariat) of the Organisation for the Prohibition of Chemical Weapons (OPCW or Organisation) during the meeting that took place at the OPCW on Friday, 16 October. This letter responds, in a structured manner, to the points set out in the *aide-mémoire*, and to the questions orally raised by the Russian Federation during the meeting in relation to the privileges and immunities applicable to the Secretariat in the Russian Federation.

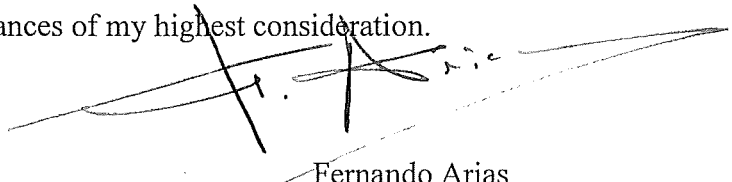
1. As communicated to you in my letter of 2 October, the Secretariat stands ready to provide assistance to the Russian Federation under Article VIII (38)(e) of the Chemical Weapons Convention (Convention). To expedite the issuance of visas, the composition of the team will be shared with you as soon as the parameters and the scope of the visit have been finalised.
2. This visit is of a technical nature. For the protection of the privacy and identity of experts involved in the mission, the Secretariat requests that there be no media presence.
3. The composition of the team is and shall remain confidential. Other details of the technical assistance visit, including the dates, location, and duration of the visit will have to remain confidential at least until after the mission is completed. After completion of the visit, the communication of information related to it will be the decision of the Russian Federation authorities.
4. In order to most efficiently conduct this technical assistance visit, the Secretariat would like to suggest that the Russian Federation collate all elements related to the samples it collected from Mr. Navalny, those analysed by the Russian Federation, in which Russian experts did not find any traces of nerve agents, as well as the remaining volumes of biomaterials which may be used for analysis. Such elements would include information on the medical condition of Mr. Navalny and on the treatment he received.
5. The Secretariat also stands ready to receive transcripts of and to interview, in person or remotely, medical experts who treated Mr. Navalny, and experts who analysed the samples taken by the Russian Federation.
6. The Secretariat will also stand ready to receive information related to the analytical method(s) and equipment used by Russian experts to conduct their analysis, and to receive any data related to the collection, conservation, transport and, when applicable, analysis of the samples that will help establish the chain of custody of samples and activities related to them.

H.E. Mr Alexander Vasilievich Shulgin  
Ambassador and Permanent Representative of the Russian Federation  
to the OPCW  
Andries Bickerweg 2  
2517 JP The Hague

...

7. In addition, the Secretariat is ready to receive samples from the Russian Federation, which the Secretariat will then dispatch to designated laboratories for analysis. The results of the analysis will be considered by the Secretariat and included in its report of the technical assistance visit to the Russian Federation.
8. In this regard, the Secretariat will require written confirmation that it is authorised under domestic Russian law to be granted access to and receive the medical record, the samples and their analysis held by the Russian Federation. In addition, the Secretariat will need Mr. Navalny's written consent for such elements to be shared.
9. The Russian Federation has requested the opportunity to discuss with the Secretariat the results of the laboratory analysis of the samples taken by the Secretariat from Mr. Navalny in the Federal Republic of Germany (Germany). The Secretariat has liaised with Germany on that matter. In response, the German Government has informed the Secretariat that it is not in a position to authorise it to share with the Russian Federation the full report of the technical assistance visit performed in Germany. It invited the Secretariat to refer to the version of the report that was circulated through the Secretariat.
10. With regard to the privileges and immunities governing the technical assistance visit, Article VIII (48) provides that the Organisation shall enjoy in any place under the jurisdiction or control of a State Party such privileges and immunities as are necessary for the exercise of its functions. In line with Article VIII (48) and Article VIII (50) of the Convention, a written agreement such as the draft Memorandum of Understanding proposed by the Russian Federation in response to the draft *ad hoc* privilege and immunities agreement presented by the Secretariat, will enable the Secretariat to conduct the requested visit under Article VIII (38)(e). In addition, the Secretariat will share shortly its suggested edits to the draft Memorandum of Understanding.
11. In relation to your question of who may sign an agreement on behalf of the Russian Federation, the choice of governmental official who will sign the agreement is a matter within the discretion of the Russian Federation. With respect to the temporal duration of the rights and obligations under this agreement, the privileges and immunities conferred to the members of the team would apply from the moment of arrival on your territory and continue after the visit has come to an end with respect to acts performed in the exercise of the Secretariat's official functions. With respect to your query about the clause concerning COVID-19, the Secretariat would be grateful to receive information about the health and safety measures applicable to international civil servants and/or diplomats visiting the Russian Federation for official duties.
12. I note that the present letter is a continuation of the discussion between the Secretariat and the Russian Federation pertaining to the letter that you handed to me during the sitting of the Executive Council on 6 October 2020. I also note that the Russian Federation has requested all previous communications on this matter to be circulated to States Parties. On this basis, and in continuation with the practice on this matter, I would therefore be most grateful if you could provide formal authorisation for your *aide-mémoire* and the present letter to be shared with States Parties.

Please accept, Excellency, the assurances of my highest consideration.



Fernando Arias

Aide Memoire handed over to TS  
by RF OPR on 16/10/2020

- The OPCW Technical Secretariat (TS) experts are welcome to Moscow for consultations and taking appropriate measures with regard to the "poisoning" of A.Navalny that is being declared by some States Parties on any day, starting from October 19, 2020.

- During the visit of the OPCW TS experts we intend to examine and discuss with them the results of the analysis of the biomedical samples of A.Navalny collected by Russian specialists in the course of providing him the first aid in Omsk.

- We also plan to discuss the results of the analysis of the biomedical samples of A.Navalny collected by the OPCW team at "Charite Hospital" in Berlin and then analyzed by the OPCW designated laboratories (TS Note S/1906/2020), which demonstrate that "A.Navalny was exposed to a toxic chemical acting as a cholinesterase inhibitor. The biomarkers of the cholinesterase inhibitor found in Mr Navalny's blood and urine samples have similar structural characteristics as the toxic chemicals belonging to schedules 1.A.14 and 1.A.15 that were added to the Annex on Chemicals to the Convention during the 24<sup>th</sup> session of the Conference of the States Parties in November 2019. This cholinesterase inhibitor is not listed in the Annex on Chemicals to the Convention."

- Upon completion of consultations in Moscow, the OPCW experts are invited to jointly study with Russian specialists of the remaining volumes of biomaterials collected from A.Navalny in Omsk at the OPCW-certified "62nd Laboratory of Chemical Analytical Control and Biotesting, Research Institute of Hygiene, Occupational Pathology and Human Ecology (RIHOPHE)" of the Federal Medical-Biological Agency of Russia (Saint-Petersburg) using the specialized equipment and reagents delivered to Russia by representatives of the OPCW TS (similar to those used in two other designated OPCW laboratories for the analysis of samples previously taken from A.Navalny at the "Charite Hospital").

- The results of consultations in Moscow are intended to assist the Russian law enforcement agencies in establishing any possible evidence of a crime (corpus delicti) on the territory of the Russian Federation.



OPCW

Organisation for the Prohibition of Chemical Weapons

Director-General

The Hague, 21 October 2020  
L/ODG/224369/20

Excellency,

Referring to your letter of 8 October concerning the activities undertaken by the Technical Secretariat of the OPCW (hereinafter, "the Secretariat") in response to the request for technical assistance by the Federal Republic of Germany under the provisions of Article VIII, paragraph 38(e) of the Chemical Weapons Convention (hereinafter, "the Convention") in regard to the case of Mr Alexei Navalny, please see the following pertinent points.

Your letter reflects once again your intense professional activity and the special interest you always show for the work of the OPCW.

You will recall that, on 6 October, during the 95<sup>th</sup> Session of the Executive Council, I provided to the States Parties a detailed account of the timelines and the activities undertaken by the Secretariat in response to the German request.

Please find attached, for your perusal, a copy of my statement.

Allow me to outline some important elements from this statement.

From the beginning of September, I had personal contacts with the State Secretary of the Federal Foreign Office of Germany, Mr Miguel Berger.

On 3 September, the State Secretary sent me a letter, informing me that German experts had found that a nerve agent from the so-called "Novichok group" could be determined as the source of this poisoning.

On 4 September, Germany requested the Secretariat, through a note verbale, to come and collect its own samples directly from the victim.

On 5 September, I dispatched a team of experts from the Secretariat to Germany to independently collect biomedical samples from Mr Navalny.

H.E. Mr Alexander Vasilievich Shulgin  
Ambassador and Permanent Representative of the Russian Federation  
to the OPCW  
Andries Bickerweg 2  
2517 JP The Hague



Samples were collected on 6 September, taken to the OPCW Laboratory, and kept in OPCW custody, until further decision by the German Government.

On 11 September, the Secretariat received a note verbale from the Permanent Representation of Germany to the OPCW, requesting it to proceed with the analysis of the samples collected by the OPCW team of experts under the formal procedure for a TAV, through the OPCW Designated Laboratories network.

On 14 September, the German Government made public that it had requested our assistance under Article VIII subparagraph 38(e) of the Convention.

On 5 October, the Secretariat shared its report of the Technical Assistance Visit with Germany.

Additionally, on 16 October, I received a letter from Ambassador, Permanent Representative of Germany to the OPCW, Gudrun Linger, attached to this letter, related to the information Germany provided to the OPCW with regard to the analysis made by German experts.

This letter confirms that, on 11 September and on 14 September, the Spokesperson of the German Ministry of Defense, Mr Collatz, made it clear that the Secretariat has never received any detailed analysis results from the German side.

The sole elements given by Germany to the Secretariat were contained in the above mentioned letter from Mr Miguel Berger from 3 September, in which he informed me that German experts had found that a nerve agent from the so-called "Novichok group" could be determined as the source of this poisoning.

No other element of the analysis ordered by the German authorities in Germany were shared with the Secretariat.

Moreover, I want to underline the obligation of the Secretariat to maintain the confidentiality of information related to deployments, would they be inspections, missions or technical assistance visits (hereinafter, "TAVs").

Accordingly, information related to such deployments is not shared with States Parties.

Only certain operational details (security, visa requests, certain logistics, etc.) are necessary for the conduct of a deployment and are accordingly solely discussed with the visited State Party ahead of or during a deployment.

This information is not shared with other States Parties, unless explicitly consented or requested by the visited State Party, in this case Germany.

It is on this basis that the information provided to you by the Secretariat since the beginning of September was always correct and accurate, and also in line with the rules of confidentiality and the exclusive rights of Germany to decide what information it wishes to share with the States Parties.

...

The Secretariat applied the same rules to its public statements shared with States Parties related to the TAV to Germany.

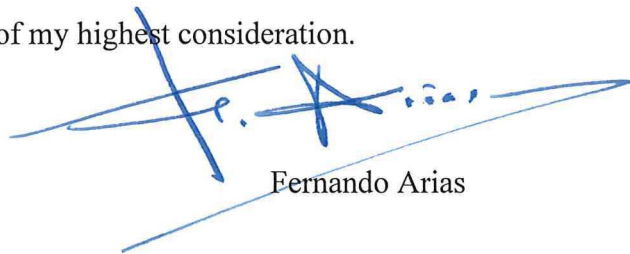
All the activities undertaken by the Secretariat in relation to Germany were based on official written requests made by the German authorities in the form of letters or notes verbales.

In this connection, you will also find attached the two notes verbales sent by Germany to the Secretariat with regard to the TAV, as authorised by the German authorities to be shared.

Further to these elements, I cannot comment on anything related to bilateral issues between Germany and the Russian Federation.

In relation to your comments about the report of the Fact-Finding Mission on the chemical weapon attack that took place in Douma on 7 April 2018, I can only reiterate the many statements of the Secretariat on this matter.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in blue ink, appearing to read 'F. Arias', is written over a horizontal line. The signature is stylized and somewhat cursive.

Fernando Arias

## **Statement by the Director-General under sub-item 6(g) on the Navalny case**

Mr Chair,

Excellencies,

Distinguished delegates,

I take the floor today, to inform you about all the actions undertaken by the OPCW Secretariat in relation to the alleged poisoning by a nerve agent of Mr Alexei Navalny, a Russian citizen.

The Secretariat followed this issue with the utmost attention since it first surfaced in media from all around the world.

From the outset, I ensured daily coordination with the top management of the Secretariat and contacts with a number of concerned States Parties.

From the beginning of September, I had personal contacts with the State Secretary of the Federal Foreign Office of Germany, Mr Miguel Berger.

On 3 September, the State Secretary sent me a letter, informing me that German experts had found that a nerve agent from the so-called “Novichok group” could be determined as the source of this poisoning.

Mr Miguel Berger kept me informed about the considerations by the German government on the exact way of involving the OPCW, notably with regard to collecting samples directly from the victim.

I assured State Secretary Berger of the Secretariat’s readiness to assist.

We commented that, in order to perform proper analyses, samples would need to be taken by OPCW experts at the earliest.

Otherwise, any possible toxic agents may degrade, rendering the exercise moot.

On this basis, the Secretariat adopted specific preparatory measures to be ready to respond to any request from Germany.

On 4 September, Germany requested the Secretariat, through a note verbale, to come and collect its own samples directly from the victim.

This request was made under Article VIII, subparagraph 38(e) of the Chemical Weapons Convention.

Under the provisions of this article, the Secretariat shall provide technical assistance and technical evaluation to States Parties in the implementation of the

provisions of the Convention, including the evaluation of scheduled and unscheduled chemicals.

On 5 September, I dispatched a team of experts from the Secretariat to Germany to independently collect biomedical samples from Mr Navalny.

Samples were collected on 6 September, taken to the OPCW Laboratory, and kept in OPCW custody, until further decision by the German Government.

On 11 September, the Secretariat received a note verbale from the Permanent Representation of Germany to the OPCW, requesting it to proceed with the analysis of the samples collected by the OPCW team of experts under the formal procedure for a TAV, through the OPCW Designated Laboratories network.

On 14 September, the German Government made public that it had requested our assistance under Article VIII subparagraph 38(e) of the Convention.

Germany also made public that not only its experts, but also experts from France and Sweden, had established the use of a nerve agent belonging to the Novichok group.

On 5 October, yesterday, the Secretariat shared its report of the Technical Assistance Visit with Germany.

Samples analyses results were received from OPCW designated laboratories, confirming that traces of a nerve agent, from an unscheduled subgroup of the so-called Novichok family, was discovered in Mr Navalny's blood samples.

Germany has decided to make public the summary of this report, and it has been shared both with States Parties and on the OPCW website.

During the entire period, the Secretariat was also in contact with the Permanent Representation of the Russian Federation to the OPCW.

Its representatives informed the Secretariat that Russia had performed two tests on blood samples taken from Mr Navalny, in Omsk, and in Moscow, and that both analyses had shown no trace of any nerve agent.

Moreover, on 1 October, last week, I received a letter from Ambassador Permanent Representative of the Russian Federation to the OPCW.

In this letter, the basic contents of which have been shared with the public by the Russian Federation, the Ambassador requested the Secretariat to dispatch experts to the Russian Federation in order to cooperate with Russian experts to

study the results of analyses of Mr Navalny's biological samples, to establish evidence of a possible crime on the territory of the Russian Federation.

I responded the next day, on 2 October, through a letter to the Ambassador assuring him that the Secretariat stands ready to provide the requested assistance.

I informed him that a team of experts could be deployed on short notice.

I also sought from him clarifications as to under which provisions of the Chemical Weapons Convention or relevant OPCW Policy-Making Organ decisions, the Russian Federation would like this assistance to be delivered.

Namely under Article VIII, subparagraph 38(e) of the Chemical Weapons Convention and under paragraph 20 of the decision adopted by the Conference of the States Parties on 27 June 2018.

I thanked him for his letter, as it demonstrates the Russian Federation's trust in the Secretariat's independence and expertise to assist States Parties.

Let me reiterate here that, under the Chemical Weapons Convention, poisoning of an individual through the use of a nerve agent is considered a use of chemical weapons.

The results now obtained constitute a matter of grave concern.

Despite the addition of several chemicals and families belonging to the category of nerve agents to the CWC schedules by the Conference of the States Parties only last year, we find ourselves confronted with another case of use of yet another chemical weapon, from the same category, currently not scheduled.

It is therefore important for you, the States Parties to the Chemical Weapons Convention, to uphold the norm you have decided to universally adhere to more than a quarter of a century ago.

I invite you to consider this matter with the utmost attention.

Thank you./.



Permanent Representation  
of the Federal Republic of Germany  
to the OPCW

File No. CW 370.45/08-38  
Verbal Note No. 26 /2020

### Verbal Note

The Permanent Representation of the Federal Republic of Germany to the OPCW presents its compliments to the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons and has the honour to transmit the enclosed letter of the Permanent Representative, Ambassador Gudrun Lingner, to the attention of the Director General.

The Permanent Representation of the Federal Republic of Germany to the Organisation for the Prohibition of Chemical Weapons avails itself of this opportunity to renew to the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons the assurances of its highest consideration.

The Hague, 04 September 2020



Technical Secretariat of the  
Organisation for the Prohibition of  
Chemical Weapons (OPCW)  
Office of the Director-General  
The Hague



Permanent Representation  
of the Federal Republic of Germany  
to the OPCW

NL-2517 EG Den Haag, Groot Hertoginnelaan 18-20 Tel +31 (0) 70 342 0616

His Excellency Fernando Arias  
Director General of the  
OPCW  
Johan de Wittlaan 32  
2517 JR The Hague  
Netherlands

**Ambassador Gudrun Lingner**

Permanent Representative of the  
Federal Republic of Germany  
to the OPCW

The Hague, 04 September 2020

### **ARTICLE VIII 38 (E): EVALUATION OF CHEMICALS**

Your Excellency,

My State Secretary of the Federal Foreign Office Miguel Berger wrote to you on 03 September to inform you about the findings regarding the poisoning of the Russian citizen Mr. Alexei Nawalny.

In this context Germany would like to invite the Technical Secretariat to send a team of experts to Germany to provide technical assistance in accordance with Article VIII 38 (e). Therefore, Germany would like to invite the OPCW to send a team of technical experts to Berlin to collect samples from M. Alexei Nawalny. The samples' transmission to OPCW reference laboratories should only take place after the consent by Germany.

I suggest that the Head of the OPCW Laboratory liaise directly with experts to arrange administrative and other relevant organizational matters to progress this urgent matter as quickly and as efficiently as possible.

I would be most grateful for the Technical Secretariat's expertise and assistance on the matter.

Yours sincerely,



Permanent Representation  
of the Federal Republic of Germany  
to the OPCW

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His Excellency Fernando Arias  
Director General of the  
OPCW  
Johan de Wittlaan 32  
2517 JR The Hague  
Netherlands

**Ambassador Gudrun Lingner**  
Permanent Representative of the  
Federal Republic of Germany  
to the OPCW

The Hague, 11 September 2020

**ARTICLE VIII 38 (E): EVALUATION OF CHEMICALS**

Your Excellency,

I'm referring to my letter dated 4 September 2020 inviting the Technical Secretariat to provide technical assistance in accordance with Article VIII 38 (e) in the case of Mr Alexei Nawalny.

Reacting to this request the Technical Secretariat sent a team of experts to Germany to collect samples from Mr Alexei Nawalny. I can now inform you that my government decided to request the OPCW to send the samples to OPCW reference laboratories for further analysis according to the rules of procedure of your organization.

Let me reiterate that my government is most grateful for the OPCW assistance on this matter.

Yours sincerely,





NL-2517 EG Den Haag, Groot Hertoginnelaan 18-20 Tel +31 (0) 70 342 0616

His Excellency Fernando Arias  
Director General of the  
OPCW  
Johan de Wittlaan 32  
2517 JR The Hague  
Netherlands

**Ambassador Gudrun Lingner**  
Permanent Representative of the  
Federal Republic of Germany  
to the OPCW

The Hague, 16 October 2020

**Comment on letter from the Russian Permanent Representative to the Director General, dated 8 October**

— Your Excellency, dear Director General

I would like to thank you for sharing with all States Parties the letter from the Permanent Representative of the Russian Federation to the OPCW dated October 8, 2020 and make a few comments with regard to the content of this letter.

Regarding the circumstances of the technical support requested by Germany from the OPCW in the Navalny case, I would like to draw the attention to the report provided by my government, which was made available to all States Parties today, October 16<sup>th</sup> 2020, as requested (DCN D022141).

In his above-mentioned letter, the Russian Permanent Representative refers to a statement made by a Spokesperson of the German Ministry of Defence, Mr. Collatz, on 9<sup>th</sup> September during a press conference. With regard to this statement, I would like to point out that Mr. Collatz himself has made it clear in two following press conferences on 11<sup>th</sup> and 14<sup>th</sup> September that the OPCW has never received any detailed analysis results from the German side.

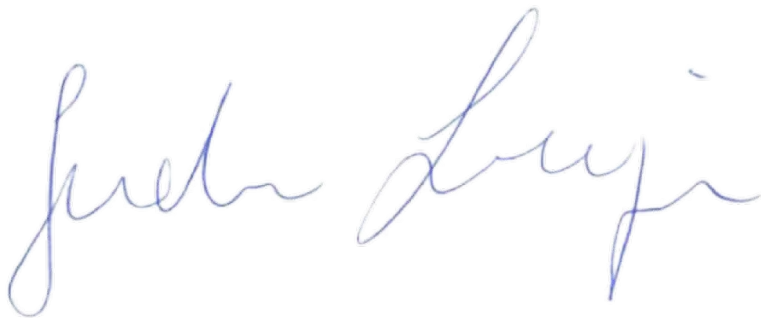
With regard to what my Russian colleague labels a “thorough talk with colleagues from the Permanent Representation of the Federal Republic of Germany to the OPCW” on 17<sup>th</sup> September, I would like to confirm that I indeed paid a courtesy visit to the Permanent Representative of the Russian Federation on 17<sup>th</sup> September. During this courtesy call, Ambassador Shulgin and a colleague from the Russian delegation asked me many questions. Among

other things, they inquired at what moment Germany had decided to request the analysis of biomedical samples taken from Mr. Navalny. I answered this question truthfully: The decision to ask for an analysis by designated OPCW laboratories was taken in Berlin on 11<sup>th</sup> September. Following this decision, the appropriate procedures were initiated immediately.

I hope that the provided clarifications are helpful and would kindly ask you to circulate this letter to all States Parties as an official document of the 95<sup>th</sup> session of the Executive Council as well as of the 25<sup>th</sup> session of the Conference of the States Parties.

Thank you once again for your continuous support.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Jochen Luyzi". The signature is written in a cursive style with a large initial 'J' and a long, sweeping tail on the 'z'.



**ПОСТОЯННЫЙ ПРЕДСТАВИТЕЛЬ  
РОССИЙСКОЙ ФЕДЕРАЦИИ  
ПРИ ОРГАНИЗАЦИИ ПО ЗАПРЕЩЕНИЮ  
ХИМИЧЕСКОГО ОРУЖИЯ**

PERMANENT REPRESENTATIVE  
OF THE RUSSIAN FEDERATION  
TO THE ORGANISATION FOR THE PROHIBITION  
OF CHEMICAL WEAPONS

№ 55

Гаага, “ 8 ” октября 2020 г.

Ваше Превосходительство,

Вынужден обратиться к Вам по вопросу, непосредственно затрагивающему основные принципы работы Технического секретариата ОЗХО (далее – Секретариат), призванного, согласно положениям Конвенции о запрещении химического оружия (далее – Конвенция), обеспечивать бесперебойное выполнение государствами-участниками своих обязательств по Конвенции.

Как известно, 2 сентября с.г. Правительство ФРГ со ссылкой на специализированную лабораторию Бундесвера заявило о том, что «А.Навальный стал жертвой отравления веществом нервно-паралитического действия из группы «Новичков»».

3 сентября с.г. статс-секретарь МИД ФРГ М.Бергер направил на Ваше имя письмо, в котором констатировал «применение против г-на Навального боевого отравляющего вещества нервно-паралитического действия». В тот же день Секретариат выпустил пресс-релиз с выражением готовности

Е.П. Г-НУ ФЕРНАНДО АРИАСУ  
ГЕНЕРАЛЬНОМУ ДИРЕКТОРУ  
ТЕХНИЧЕСКОГО СЕКРЕТАРИАТА ОЗХО

г.Гаага

оказать содействие любому заинтересованному государству-участнику.

9 сентября с.г. официальные представители германских властей – заместитель официального представителя Минобороны ФРГ А.Коллатц и заместитель официального представителя Правительства ФРГ М.Фитц заявили о том, что «ОЗХО получила от германской стороны результаты анализов». Руководство Секретариата, к кому мы обратились за разъяснениями в тот же день, опровергло сообщения германских официальных лиц, заявив о том, что «от Германии до сих пор ничего не поступало: ни результаты анализов, ни какие-либо другие документы, кроме письма статс-секретаря МИД ФРГ М.Бергера от 3 сентября с.г.».

11 сентября с.г. Постоянное представительство России при ОЗХО обратилось в Секретариат с просьбой прокомментировать сообщение немецкого издания «Der Spiegel» о том, что делегация экспертов ОЗХО 5-6 сентября с.г. побывала в госпитале «Шарите», где получила пробы А.Навального. В ответ нам вечером того же дня зачитали заявление от Вашего имени следующего содержания: «Traditionnellement le Secrétariat technique s'abstient de tous les commentaires au sujet de publications dans la presse. De même que le Secrétariat technique a les contacts avec les Russes il maintient les contacts avec les Allemands. Les Allemands continuent toujours de réfléchir à la meilleur façon d'engager le Secrétariat technique s'agissant de l'affaire Navalny» (Традиционно Секретариат воздерживается от комментариев по публикациям в прессе. Подобно тому, как мы находимся в контакте с Вами, мы находимся в контакте и с германской стороной. Немцы все еще продолжают размышлять над тем, как наилучшим образом задействовать Секретариат, касательно «дела Навального»).

При этом на наши уточняющие вопросы, получил ли Секретариат от германской стороны что-либо по «досье Навального», нам снова было заявлено: «ничего – ни результатов анализов проб, ни биоматериалов – не получали, кроме письма статс-секретаря МИД ФРГ М.Бергера от 3 сентября с.г.».

14 сентября с.г. Правительство ФРГ – наряду с информацией о подтверждении лабораториями Франции и Швеции результатов, полученных немецкими военными, – сообщило о направлении Берлином запроса в Секретариат об оказании технического содействия по пункту 38 (е) статьи VIII Конвенции. Было также подчеркнуто, что «ОЗХО уже отобрала пробы у А.Навального и предприняла необходимые шаги для их изучения в назначенных лабораториях».

В этот же день мы вновь обратились за разъяснениями в Секретариат. Нам ответили, что к этому заявлению немецких властей добавить больше нечего. Сославшись на политику ОЗХО в области конфиденциальности, Секретариат предложил нам задавать все интересующие нас вопросы непосредственно германской стороне.

Мы воспользовались этим советом руководства Секретариата и поинтересовались у наших коллег из Постпредства ФРГ при ОЗХО их версией того, как Правительство Германии налаживало взаимодействие с Секретариатом.

17 сентября с.г. провели обстоятельную беседу с коллегами из Постпредства ФРГ при ОЗХО, которые уточнили, что решение Берлина о привлечении Секретариата к взаимодействию по пункту 38 (е) статьи VIII Конвенции было принято в пятницу вечером 11 сентября с.г., после чего 12-13 сентября с.г. все документы были переданы в ОЗХО для запуска соответствующих процедур. В тот же день, то есть 17 сентября с.г., Секретариат

выпустил очередной пресс-релиз, где подтвердил обращение германской стороны за техническим содействием по вышеуказанной статье, подал как свершившийся факт отбор специалистами ОЗХО биомедицинских проб у А.Навального для их анализа в назначенных лабораториях.

Вместе с тем в официальной ноте Постпредства ФРГ при ОЗХО, направленной в адрес Постпредства России при ОЗХО 2 октября с.г., говорится о том, что «Германия обратилась в Технический секретариат с просьбой оказать техническое содействие в соответствии с п.38 (е) статьи VIII 4 сентября», причем это содействие «обрело форму отбора проб у г-на Алексея Навального для их анализа в назначенных лабораториях ОЗХО».

В этой же ноте Постпредства ФРГ при ОЗХО цинично утверждается, что двустороннее российско-германское взаимодействие по ситуации вокруг А.Навального, на котором мы неизменно настаиваем, якобы осуществлялось в рамках встреч Посла России в ФРГ со статс-секретарем МИД ФРГ 2 сентября с.г. и Посла ФРГ в России с Первым заместителем Министра иностранных дел России 9 сентября с.г., а также телефонного разговора министров иностранных дел России и Германии 15 сентября с.г. Это утверждение не соответствует действительности. В указанных беседах, две из которых состоялись именно по нашему настоянию (*demanding request*), германской стороне был адресован чёткий призыв предоставить пробы А.Навального и результаты их анализов в соответствии с направленными в Берлин Генеральной прокуратурой России официальными запросами об оказании правовой помощи в проводимом российскими правоохранительными органами расследовании предполагаемого отравления, завершение

которого является неременным законодательным условием для возможного возбуждения ими соответствующего уголовного дела. Германская же сторона целенаправленно уклонилась от предметного диалога, использовав перечисленные контакты исключительно для воспроизведения известных обвинений, угроз и ультиматумов в адрес России.

Возвращаясь к хронологии контактов Германии с Секретариатом ОЗХО, просили бы не отказать в любезности уточнить, какая из версий – немецкой стороны или же Секретариата – является достоверной.

Не сочтите, уважаемый г-н Генеральный директор, нашу просьбу за мелочное крючкотворство. Заданные нами вопросы не праздные. Доверие к Секретариату оказалось поколеблено, когда вскрылись махинации при подготовке доклада Миссии по установлению фактов по инциденту в г. Дума 7 апреля 2018 г. Как стало известно, в частности во время двух заседаний СБ ООН по «формуле Арриа» 24 января и 28 сентября с.г., первоначальный доклад был переписан в угоду группе стран, которая в ночь с 13 на 14 апреля 2018 г. совершила акт неспровоцированной агрессии против суверенной Сирии.

Дело о так называемом отравлении А.Навального, которое Правительство ФРГ подает уже как доказанный факт, а пресловутое «международное партнерство по борьбе с безнаказанностью» представляет как историю, подтверждённую профессионалами из ОЗХО, может иметь чрезвычайно серьезные международные последствия. Послу ФРГ в Москве было сделано на этот счет представление, так как Правительство ФРГ, отказываясь удовлетворять наши запросы о правовой помощи, переводит стрелки на ОЗХО. В то же время Секретариат отсылает нас к немцам, ссылаясь на политику по конфиденциальности.

Разобраться в вопросе о взаимодействии Секретариата с Германией по «делу Навального», устранить явные нестыковки и противоречия – это дело чести Секретариата, с работой которого до сих связываются надежды на возвращение нашей Организации к практике равноправного взаимоуважительного диалога в интересах всех государств-участников, а не только отдельной группы стран, которая пытается подменять международное право на гаагской площадке своими собственными правилами.

В ожидании ответа на поставленные вопросы, просил бы Вас, уважаемый Генеральный директор, распространить это письмо в качестве официального документа 95-й сессии Исполнительного совета, а также 25-й сессии Конференции государств-участников.



Александр ШУЛЬГИН





PERMANENT REPRESENTATIVE  
OF THE RUSSIAN FEDERATION  
TO THE ORGANISATION FOR THE PROHIBITION  
OF CHEMICAL WEAPONS

The Hague, “ 8 ” October 2020

Your Excellency,

I am forced to address you on the matter directly related to the fundamental principles of the work of the OPCW Technical Secretariat (hereinafter, “the Secretariat”), which is, according to the provisions of the Chemical Weapons Convention (hereinafter, “the Convention”), meant to ensure the uninterrupted implementation by the States Parties of their obligations under the Convention.

As is known, on 2 September this year, the Government of the Federal Republic of Germany, with reference to the Bundeswehr specialised laboratory, stated that “A. Navalny has been the victim of poisoning by a nerve agent from the Novichok group”.<sup>1</sup>

On 3 September this year, the State Secretary of Germany’s Ministry of Foreign Affairs Mr Miguel Berger sent a letter addressed to you in which he asserted “the use of a military-grade nerve agent against Mr Navalny”. On that same day, the Secretariat issued a press release expressing its willingness to assist any interested State Party.

H.E. MR FERNANDO ARIAS  
DIRECTOR-GENERAL  
OPCW TECHNICAL SECRETARIAT

The Hague

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<sup>1</sup> Translator’s Note: It was not possible to verify the original English rendering of the quotes referenced in this note verbale.

On 9 September this year, official representatives of German authorities—Deputy Spokesperson of the German Ministry of Defence A. Collatz and Deputy Spokesperson of the German Government M. Fitz—announced that “the OPCW has received the analysis results from the German side”. The management of the Secretariat, from which we requested clarifications that same day, contradicted the communication from German officials, stating that “nothing has been received from Germany yet: neither analysis results or any other documents other than the letter from the State Secretary of the German Ministry of Foreign Affairs, Mr M. Berger, dated 3 September this year”.

On 11 September this year, the Permanent Representation of Russia to the OPCW addressed the Secretariat with a request for a comment on the report in the German publication “Der Spiegel” that a delegation of OPCW experts had been at the Charité hospital on 5 – 6 September, where it received samples from A. Navalny. In response, on the evening of that same day, a statement in your name was read out to us with the following content: “Traditionnellement le Secrétariat technique s’abstient de tous les commentaires au sujet de publications dans la presse. De même que le Secrétariat technique a les contacts avec les Russes il maintient les contacts avec les Allemands. Les Allemands continuent toujours de réfléchir à la meilleur façon d’engager le Secrétariat technique s’agissant de l’affaire Navalny” [“Traditionally, the Secretariat refrains from commenting on media publications. Just as we are in contact with you, we are in contact with the Germans. The Germans are still deliberating on how best to involve the Secretariat regarding the Navalny Affair”].

At the same time, in response to our questions to clarify whether or not the Secretariat had received anything pertinent to the

‘Navalny dossier’ from the German side, we were again informed: “nothing—neither the results of sample analyses, nor biomaterials—have been received other than the letter from the State Secretary of the German Ministry of Foreign Affairs Mr M. Berger, dated 3 September this year”.

On 14 September this year, the Government of the Federal Republic of Germany—together with information on the confirmation by laboratories in France and Sweden of the results obtained by the German military—reported that Berlin was sending a request to the Secretariat for technical assistance under paragraph 38(e) of Article VIII of the Convention. It was also underscored that “the OPCW has already collected the samples from A. Navalny and taken the necessary steps to examine them at designated laboratories”.

On that same day, we again requested clarification from the Secretariat. The response was that there was nothing more to add to the statement of the German authorities. With reference to the OPCW policy on confidentiality, the Secretariat proposed that we bring all of our questions of interest directly to the German side.

We made use of this advice from Secretariat management and inquired with our colleagues from the Permanent Representation of the Federal Republic of Germany to the OPCW as to their version of how the Government of Germany was arranging cooperation with the Secretariat.

On 17 September this year, a thorough talk was held with colleagues from the Permanent Representation of the Federal Republic of Germany to the OPCW, which indicated that Berlin’s decision to involve the Secretariat under paragraph 38(e) of Article VIII of the Convention was taken on Friday evening of 11 September this year, after which on 12 – 13 September this year all documents were transferred to the OPCW in order to initiate the appropriate

procedures. On that same day, i.e., 17 September this year, the Secretariat issued another press release in which it confirmed that the German side had requested technical assistance under the aforementioned Article, and presented the collection of biomedical samples from A. Navalny by OPCW specialists for analysis at designated laboratories as a *fait accompli*.

Moreover, an official Note from the Permanent Representation of the Federal Republic of Germany to the OPCW sent to the Permanent Representation of Russia to the OPCW on 2 October this year indicates that “[o]n 4 September 2020 Germany requested the Technical Secretariat to provide technical assistance in accordance with Article VIII, paragraph 38(e)”, noting that “[t]he form of the technical assistance requested was the collection of samples from Mr Alexei Navalny for analysis by OPCW designated laboratories”.

In the same Note from the Permanent Representation of the Federal Republic of Germany to the OPCW, it is cynically asserted that bilateral Russian-German cooperation on the situation concerning A. Navalny, upon which we consistently insist, allegedly took place in the meetings of the Ambassador of Russia in the Federal Republic of Germany with the State Secretary of the Germany Ministry of Foreign Affairs on 2 September this year, and the Ambassador of the Federal Republic of Germany in Russia with the First Deputy Minister of Foreign Affairs of Russia on 9 September this year, as well as telephone conversations between the Russian and German Ministers of Foreign Affairs on 15 September this year. This assertion is untrue. In the talks indicated above, two of which took place at our demanding request, the German side was given a clear request to provide the samples from A. Navalny and the results of their analyses in line with the official requests sent to Berlin by Russia’s Office of the Prosecutor General regarding the provision of legal assistance in

the investigation being carried out by Russian law enforcement into the alleged poisoning, the completion of which is an indispensable legislative condition for opening a criminal case on the matter. The German side pointedly declined to discuss this issue, having used the contacts listed above exclusively in order to reproduce the known accusations, threats, and ultimatums against Russia.

In returning to the chronology of the contacts between Germany and the OPCW Secretariat, we would request that you please not deny us the courtesy of clarifying which version—that of the German side, or of the Secretariat—is true.

Please do not take, distinguished Mr Director-General, our request as trivial pettifoggery. The questions we have raised are not frivolous. Our trust in the Secretariat was shaken when the orchestration of the preparation of the Fact-Finding Mission report on the incident that took place in Douma on 7 April 2018 came to light. As has become known, particularly at two Arria-formula meetings of the United Nations Security Council held on 24 January and 28 September this year, the initial report was rewritten in complaisance with a group of countries that, on the night of 13 and 14 April 2018, launched an unprovoked act of aggression against sovereign Syria.

The case of the so-called poisoning of A. Navalny, which the Government of the Federal Republic of Germany is already portraying as a proven fact, and the infamous “international partnership against impunity” is presented as a story confirmed by OPCW professionals, could have extremely serious international implications. A message on the matter was conferred to the Ambassador of the Federal Republic of Germany in Moscow, as the Government of the Federal Republic of Germany declined to satisfy our requests for legal assistance and

instead pass the buck to the OPCW. Meanwhile, the Secretariat is sending us to the Germans, referring to their policy on confidentiality.

Getting to the bottom of the issue of cooperation between the Secretariat and Germany on ‘the Navalny Affair’ and eliminating the obvious discrepancies and contradictions is a matter of the Secretariat’s honour; based on its work, there is still hope of our Organisation’s return to the practice of equitable and mutually respectful dialogue in the interests of all States Parties, and not just for a separate group of countries that attempts to replace international law in The Hague with their own rules.

In looking forward to a response to the questions that have been asked, I would request you, distinguished Director-General, to circulate this letter as an official document of the Ninety-Fifth Session of the Executive Council as well as of the Twenty-Fifth Session of the Conference of the States Parties.

[signature]

Alexander SHULGIN



OPCW

Organisation for the Prohibition of Chemical Weapons

Director-General

The Hague, 7 October 2020

L/ODG/224297/20

Dear Ambassador,

Excellency,

Following your letter of 6 October 2020 and the personal conversation we had this morning before the beginning of the Executive Council sitting, and on the basis of what you shared with me, I instructed my Chief of Cabinet, Mr. Sébastien Braha, to contact the Deputy Permanent Representative of the Russian Federation to the OPCW, M. Igor Vishnevetsky.

My Chief of Cabinet subsequently informed your Deputy that we are preparing the deployment of a team of Secretariat's experts to the Russian Federation, and that he is ready to personally discuss all necessary details prior to this deployment.

Please provide me, as soon as possible, with any information you deem relevant that will help us prepare and compose the team of experts, and to organise the visit properly.

Please accept, Excellency, the assurances of my highest consideration.

With my best regards

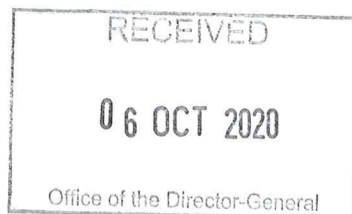
Fernando Arias

H.E. Mr Alexander Vasilievich Shulgin  
Ambassador and Permanent Representative of the Russian Federation  
to the OPCW  
Andries Bickerweg 2  
2517 JP The Hague



**ПОСТОЯННЫЙ ПРЕДСТАВИТЕЛЬ  
РОССИЙСКОЙ ФЕДЕРАЦИИ  
ПРИ ОРГАНИЗАЦИИ ПО ЗАПРЕЩЕНИЮ  
ХИМИЧЕСКОГО ОРУЖИЯ**

PERMANENT REPRESENTATIVE  
OF THE RUSSIAN FEDERATION  
TO THE ORGANISATION FOR THE PROHIBITION  
OF CHEMICAL WEAPONS



№ 54

Гаага, “ 6 ” октября 2020

Ваше Превосходительство,

Благодарю за оперативный ответ на мое письмо от 1 октября 2020 года относительно направления в Российскую Федерацию экспертов Технического секретариата Организации по запрещению химического оружия для взаимодействия с соответствующими российскими специалистами в целях изучения результатов анализов отобранных у А.Навального биоматериалов для определения признаков состава возможного преступления на территории Российской Федерации.

Что же касается Вашего предложения относительно правового обоснования подобного взаимодействия, то, с учетом уже созданных Великобританией и ФРГ прецедентов, полагаем возможным запрашиваемую нами встречу осуществить на основании пункта 38 (е) статьи VIII Конвенции о запрещении химического оружия (далее – Конвенция).

Одновременно не имеем возражений против обнародования этого письма, а также моего предыдущего обращения от 1 октября 2020 года и Вашего ответа на него с целью надлежащего информирования государств-участников Конвенции.

Примите, Ваше Превосходительство, уверения в моем весьма высоком уважении.

Александр ШУЛЬГИН

Е.П. ФЕРНАНДО АРИАСУ  
ГЕНЕРАЛЬНОМУ ДИРЕКТОРУ  
ТЕХНИЧЕСКОГО СЕКРЕТАРИАТА ОЗХО

г.Гаага





**PERMANENT REPRESENTATIVE  
OF THE RUSSIAN FEDERATION  
TO THE ORGANISATION FOR THE PROHIBITION  
OF CHEMICAL WEAPONS**

No. 54

The Hague, 6 October 2020

Your Excellency,

Thank you for your prompt response to my letter dated 1 October 2020 regarding the deployment of experts from the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons to the Russian Federation in order to cooperate with the relevant Russian experts in examining the results of the analyses of biomaterial collected from A. Navalny, and to identify any indications of a potential crime committed on the territory of the Russian Federation.

With regard to your proposal concerning the legal grounds for said cooperation, in light of the precedents that have already been set by Great Britain and the Federal Republic of Germany, we find it possible to arrange the meeting we have requested in line with paragraph 38(e) of Article VIII of the Chemical Weapons Convention (hereinafter, “the Convention”).

At the same time, we do not have any objections to the publication of this letter, or my previous communication dated 1 October 2020 and your response thereto, in order to duly inform the States Parties to the Convention.

Your Excellency, please accept the assurances of my highest considerations.

[signature]

Alexander SHULGIN

H.E. FERNANDO ARIAS  
DIRECTOR-GENERAL  
OPCW TECHNICAL SECRETARIAT  
The Hague



OPCW

Organisation for the Prohibition of Chemical Weapons

Director-General

The Hague, 2 October 2020

L/ODG/224258/20

Excellency,

Thank you for your letter of 1 October. In this letter, you request the Technical Secretariat (“Secretariat”) of the Organisation for the Prohibition of Chemical Weapons (“OPCW” or “Organisation”) to dispatch experts to the Russian Federation in order to cooperate with Russian experts to study the results of analyses of Mr Alexey Navalny’s biological samples to establish evidence of a possible crime on the territory of the Russian Federation.

Please be assured that the Secretariat stands ready to provide the requested assistance. A team of experts can be deployed on short notice. Prior to doing so, I would like to seek from you clarification as to under which provisions of the Chemical Weapons Convention or relevant OPCW Policy-Making Organs decisions you would like this assistance to be delivered. Based on your letter, this could entail assistance under Article VIII, paragraph 38(e), of the Chemical Weapons Convention, and paragraph 20 of C-SS-4/DEC.3, adopted on 27 June 2018.

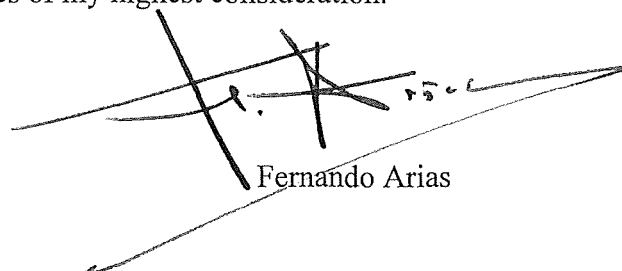
As you know, Germany, France and Sweden have publicly reported that traces of a nerve agent were found in the samples they took from Mr Navalny. The Secretariat has not received any other information related in relation to these statements. At the same time, the Russian Federation’s public statements refer to the fact that the biomedical samples taken by Russian experts from Mr Navalny did not reveal the presence of nerve agents.

Separately, the Secretariat is expecting very soon results analysis of the samples it took, and will report its findings to Germany in due course.

As the Russian Federation has already made public its request, I would be most grateful if you could provide formal authorisation for your letter to be shared with all States Parties.

Thank you again for your letter, as it demonstrates the Russian Federation’s trust in the Secretariat’s independence and expertise to assist States Parties in their implementation of the Chemical Weapons Convention.

Please accept, Excellency, the assurances of my highest consideration.



Fernando Arias

H.E. Mr Alexander Vasilievich Shulgin  
Ambassador and Permanent Representative of the Russian Federation  
to the OPCW  
Andries Bickerweg 2  
2517 JP The Hague



unofficial translation

**ПОСТОЯННЫЙ ПРЕДСТАВИТЕЛЬ  
РОССИЙСКОЙ ФЕДЕРАЦИИ  
ПРИ ОРГАНИЗАЦИИ ПО ЗАПРЕЩЕНИЮ  
ХИМИЧЕСКОГО ОРУЖИЯ**

PERMANENT REPRESENTATIVE  
OF THE RUSSIAN FEDERATION  
TO THE ORGANISATION FOR THE PROHIBITION  
OF CHEMICAL WEAPONS

The Hague, “<sup>01</sup>” October 2020

Excellency,

In light of numerous appeals by the Russian Federation to the Federal Government of Germany to provide the Russian side with the information about the health condition of the Russian blogger Mr Alexey Navalny, including the official requests submitted by the Office of the Prosecutor General of the Russian Federation to the Federal Office of Justice of Germany, I would ask you to consider the option of dispatching experts of the Technical Secretariat of the OPCW to the Russian Federation for cooperation with relevant Russian experts with the purpose of studying the results of analyses of Mr Alexey Navalny's biological samples in order to establish evidence of a possible crime (corpus delicti) on the territory of the Russian Federation.

Please accept, Excellency, the assurances of my highest consideration.

Alexander SHULGIN

H.E. AMBASSADOR FERNANDO ARIAS  
DIRECTOR-GENERAL  
OF THE TECHNICAL SECRETARIAT  
OF THE OPCW

The Hague



**ПОСТОЯННЫЙ ПРЕДСТАВИТЕЛЬ  
РОССИЙСКОЙ ФЕДЕРАЦИИ  
ПРИ ОРГАНИЗАЦИИ ПО ЗАПРЕЩЕНИЮ  
ХИМИЧЕСКОГО ОРУЖИЯ**

PERMANENT REPRESENTATIVE  
OF THE RUSSIAN FEDERATION  
TO THE ORGANISATION FOR THE PROHIBITION  
OF CHEMICAL WEAPONS



Гаага, “ 01 ” октября 2020

Ваше Превосходительство,

В свете неоднократных обращений Российской стороны к Правительству ФРГ, касающихся состояния здоровья российского блогера А.Навального, включая запросы Генеральной прокуратуры Российской Федерации в адрес Федерального ведомства юстиции ФРГ, просили бы Вас, господин Генеральный директор, рассмотреть возможность направления в Российскую Федерацию экспертов Технического секретариата ОЗХО для взаимодействия с соответствующими российскими специалистами в целях изучения результатов анализов отобранных у А.Навального биоматериалов для определения признаков состава возможного преступления на территории Российской Федерации.

Ваше Превосходительство, примите уверения в моем весьма высоком уважении.

Александр ШУЛЬГИН

Е.П. ПОСЛУ ФЕРНАНДО АРИАСУ  
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ТЕХНИЧЕСКОГО СЕКРЕТАРИАТА ОЗХО