



OPCW

Executive Council

106th Session
9 – 12 July 2024

EC-106/NAT.4
1 July 2024
ENGLISH only

GERMANY

**REQUEST FOR CIRCULATION OF A DOCUMENT
AT THE 106TH SESSION OF THE EXECUTIVE COUNCIL**

The Permanent Representation of the Federal Republic of Germany to the OPCW has requested that a note verbale addressed to the Technical Secretariat of the OPCW (dated 1 July 2024) be circulated as an official document of the 106th Session of the Executive Council.

Annex: Note Verbale from the Permanent Representation of the Federal Republic of Germany to the Technical Secretariat of the OPCW Dated 1 July 2024



Annex

**NOTE VERBALE FROM THE PERMANENT REPRESENTATION OF THE
FEDERAL REPUBLIC OF GERMANY TO THE TECHNICAL SECRETARIAT OF
THE OPCW DATED 1 JULY 2024**



Permanent Representation
of the Federal Republic of Germany
to the OPCW

File No. CW 370.45#00069#001
Verbal Note No. 26/2024

Note Verbale

The Permanent Representation of the Federal Republic of Germany to the Organisation for the Prohibition of Chemical Weapons (OPCW), on behalf of 12 States Parties (Albania, Canada, Czech Republic, France, Germany, Italy, Japan, the Netherlands, North Macedonia, Poland, United Kingdom of Great Britain and Northern Ireland, United States of America) presents its compliments to the Chairperson of the Executive Council, H.E. Ambassador Andrés Terán Parral, Permanent Representative of Ecuador to the OPCW.

— We maintain our request, contained in Note Verbale No. 10/2024 dated 29 February 2024, pursuant to Article IX, paragraph 3 of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (hereinafter “the Convention”), and request the newly constituted Executive Council to assist in clarifying the situation related to reports indicating that Russian armed forces are using riot control agents (RCA) as a method of warfare against Ukrainian forces, giving rise to a serious concern about Russian non-compliance with the Convention.

Use of RCA as a method of warfare is prohibited by Article I, para. 5 of the Convention.

In assisting to clarify the situation, as stated in Article IX, para. 3, the Executive Council “shall provide appropriate information in its possession relevant to such a concern.” In this context, the Executive Council should provide appropriate information in its possession relevant to the concerns regarding the use of RCA by Russian armed forces in combat operations in Ukraine, which could include, *inter alia*, information provided to the Executive Council by States Parties. We request that the Executive Council consider information provided by its members in response to this request at its 106th session.

Permanent Representation
of Ecuador to the OPCW

The Hague

Organisation for the Prohibition
of Chemical Weapons
Secretariat for the Policy-Making Organs (PMO)

The Hague

Media reports about the use of RCA by Russian armed forces indicate that the scale and intensity of such breaches of the Convention are significant and increasing. We have attached excerpts from Russian sources admitting RCA use against Ukrainian forces. We also note the Ukrainian Government's reports and subsequent determination by the United States that Russia has used chloropicrin against Ukrainian forces, in violation of Article I, para. 1(b) of the Convention. We are deeply concerned about the potential for further escalation, including the use of other chemical weapons.

We firmly reject the Permanent Representation of the Russian Federation's insinuation, contained in note verbale (EC-106/NAT.1) dated 7 March, that the said requesting States Parties might be "deliberately abusing the provisions of Article IX" of the Convention. Requesting a clarification in accordance with the provisions of the Convention to clarify possible non-compliance does not constitute an abuse of the Convention. This is especially the case given public statements from Russian sources describing systematic tactical use of RCA against Ukrainian forces on the battlefield, in violation of the obligation under Article I, para. 5 of the Convention not to use RCA as a method of warfare. Such self-incriminating statements describing non-compliance obviously raise concerns and must be questioned.

We also firmly reject the Russian Federation's attempt to reverse the burden of proof. In its note verbale (EC-106/NAT.1) the Permanent Representation of the Russian Federation has stated that Germany "ignored" a Russian counter-request pursuant to Article IX, para. 4 of the Convention. But in stark contrast to Russia, Germany has not created any situation which may be considered "ambiguous" or which "gives rise to a concern" about "possible non-compliance" by Germany. Russia's request is not a valid use of Article IX, para. 4, but is rather a transparent effort to obfuscate its failure to answer in good faith a legitimate request to clarify, thus subverting a central provision of the Convention which aims at preventing the use of chemical weapons.

We would be grateful if the Technical Secretariat could circulate a copy of this Note Verbale to all States Parties and make it available on the OPCW public website and Catalyst as an official document to EC-106.

The Permanent Representation of the Federal Republic of Germany to the OPCW avails itself of this opportunity to renew to the Permanent Representation of Ecuador to the OPCW and to the Technical Secretariat of the OPCW the assurances of its highest consideration.

The Hague, 01 July 2024



Russian sources stating RCA use against Ukrainian forces in warfare operations
Russian TV channel Piervy Kanal, 02.05.2023 21:00 evening news

<https://www.1tv.ru/news/issue/2023-05-02/21:00#6>

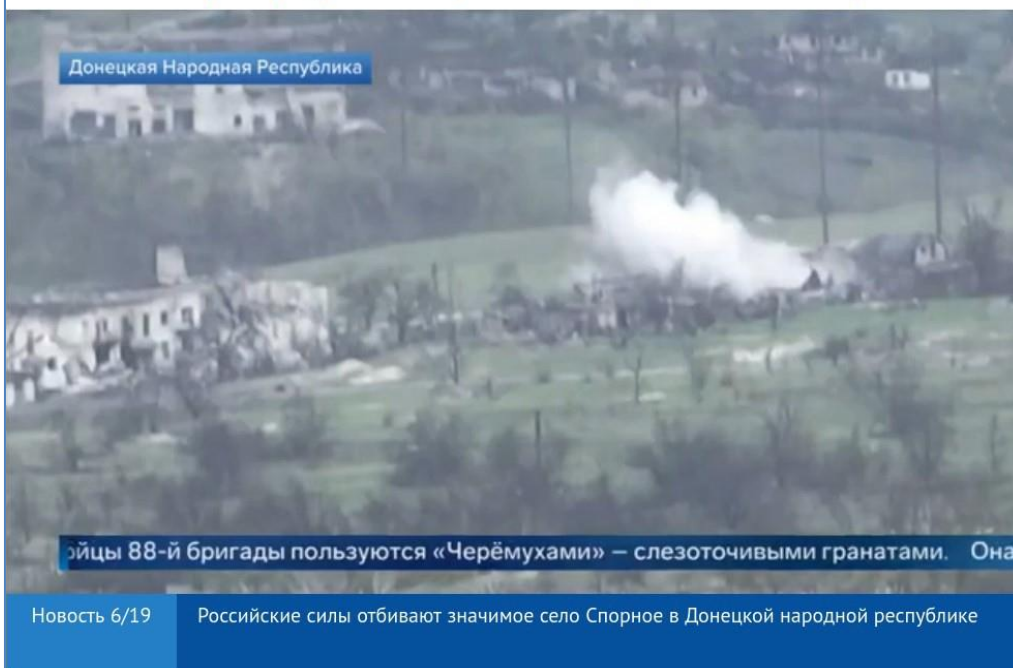
Russian news anchor: „New tactics, [like] ... **smoking the [Ukrainian] fighters out of their holes**, are yielding results”:

Выпуск программы «Время» в 21:00, 2 мая 2023 года



Newsband at the bottom: “**The fighters of the [Russian] 88 Brigade are using ‘Cheriomukha’ tear gas grenades.**”

Выпуск программы «Время» в 21:00, 2 мая 2023 года



Footage which, according to Piervy Kanal, depicts a Russian drone dropping tear gas grenade (white, cylindrical object on the right) on Ukrainian position:



Footage which, according to Piervy Kanal, depicts the effects of the gas grenade on Ukrainian position:



**Russian sources stating RCA use against Ukrainian forces in warfare operations
Telegram posts by the Russian 810th Marine Infantry Brigade from 22. and
24.12.2023**

Screenshots from Telegram channel https://t.me/morpeh_810

Морская пехота Севастополя 810 огвбрмп

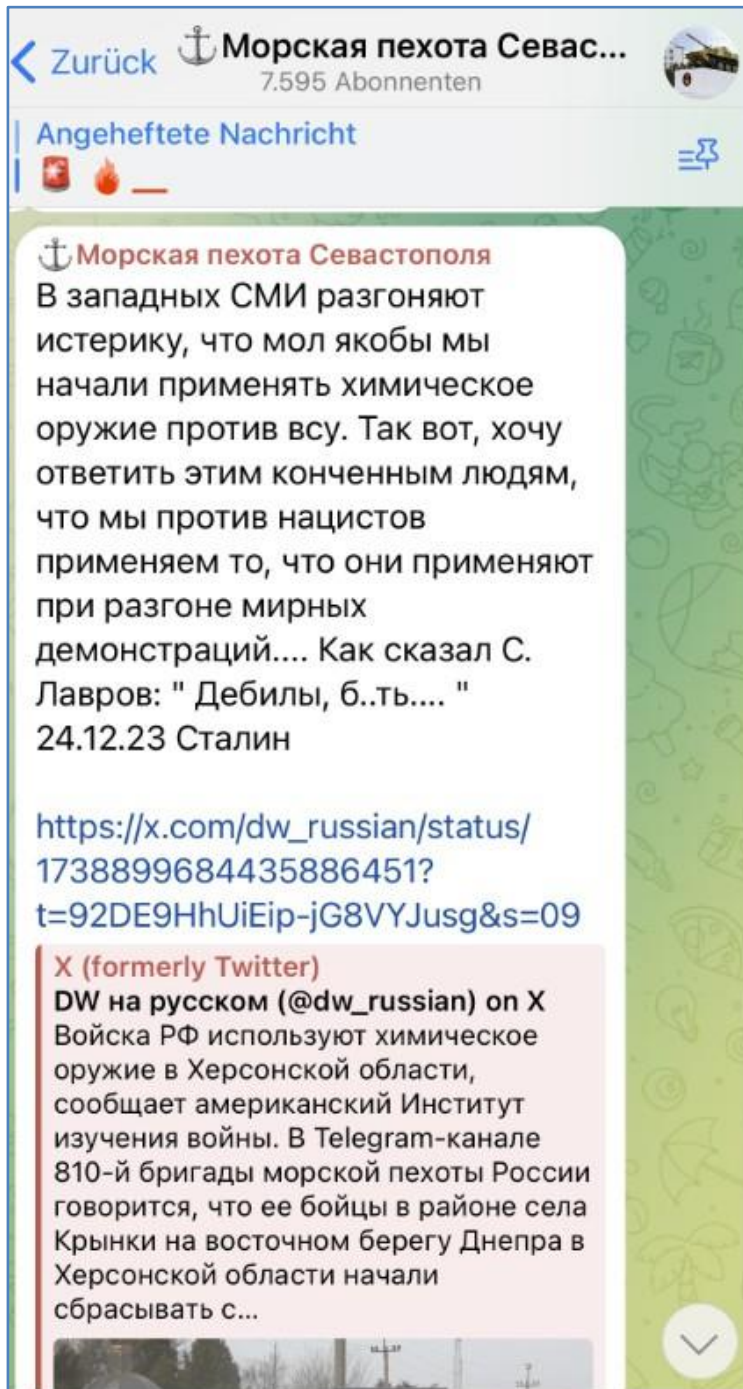
Добрый вечер, дорогие друзья! Согласно проходящей ротации в 810 ОБрМП, с приходом на боевые рубежи, в середине декабря этого года, 1-й роты БМП и взвода БпЛА БМП, под руководством комбата "Явы", замкомбата "Рикошета", командира роты "Казбек", намечился коренной перелом, в тактике ведения боевых действий в населённом пункте Крынки.

Конкретно под руководством вышеуказанных командиров, была успешно испробована и применена тактика сброса с дронов гранат К-51 на позиции противника с целью выкурить их с укрепленных позиций, с последующим воздействием на них, комбинированных средств поражения. Впервые, за всё время нахождения нашей бригады на этих огневых рубежах, при освобождении данного оперативного плацдарма, намечился тактический успех. Командир батальона "Ява", разрабатывает новые, нестандартные, методы ведения боевых действий, с комбинированным применением, всех имеющихся средств и вооружений, направленных на минимализацию потерь личного состава, а командир роты "Казбек" и его личный состав, успешно реализует эти замыслы в жизнь. Конкретно сегодня, 22 декабря, была проведена успешная операция по взятию оперативно - стратегического плацдарма перекрывшего снабжение противника живой силой, боеприпасами и продовольствием. У нас потерь нет, у противника восемь 200-х и 2 пленных. Отдельно, хочу отметить начальника службы РХБЗ, за предоставленные средства поражения и своевременный подвоз, а также весь личный состав 1 рмп БМП и взвода БпЛА БМП, которые показали себя подготовленной, мотивированной и слаженной боевой единицей, готовой выполнить любую, поставленную задачу до конца. Во взводе БпЛА БМП отличились бойцы с позывными Немец, Леший и Ефр - они представлены к государственным наградам! Враг не пройдёт, победа будет за нами, где мы, там победа!

22.12.23 И. В. Сталин

t.me/morpeh_810/2339 4.2K Кок, edited Dec 22 at 23:31

„To put it concretely, under the leadership of our commanders, a tactic was successfully tried and applied: **To drop K51 [tear gas grenades] onto enemy positions, with the aim of smoking them out of reinforced positions, and to then use combined arms against them.**” (...)
22.12.23 I.W. Stalin



After media like DW picked up the original post from 22.12.2023, it was deleted, and instead "Stalin" (nom de guerre) posted this:

„In Western media, they are unleashing a hysteria that we allegedly started using chemical weapons against the VSU [Voyennye Sily Ukrainy - Ukrainian Armed Forces]. Well, I would like to reply to these goners that **we are using against the Nazis that which they are using when dispersing peaceful demonstrations...** To quote Sergei Lavrov: 'Idiots, d...mn.'
 24.12.23 Stalin

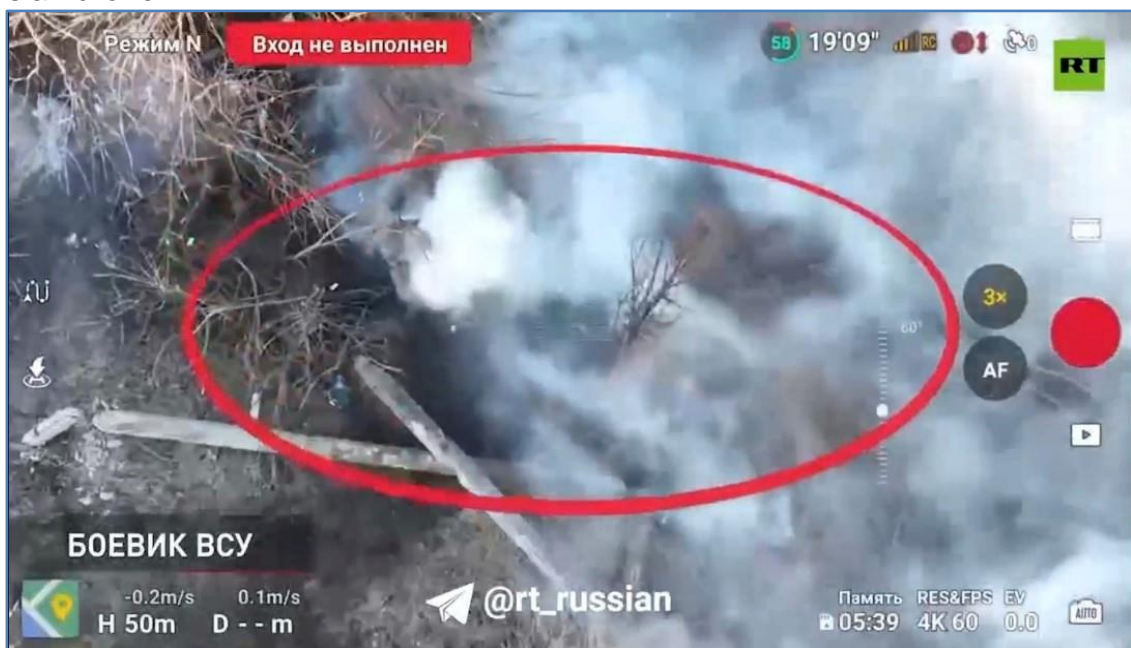
Russian sources stating RCA use against Ukrainian forces in warfare operations
RT coverage of “war correspondent” **Andrey Filatov** from 01.12.2023, made public on 28.05.2024

Voice of Russian “war correspondent” **Andrey Filatov** (@filatovcorr): “Now to the point. Here you can see a gas mask of the [Ukrainian] machine gunner... Here is the gas grenade that we dropped. ...” https://t.me/rt_russian_unc/18191

Footage which, according to Filatov, depicts an Ukrainian position after the assault, with Russian gas grenade (possibly type RG-Vo) visible in upper half of screen:



Footage which appears to show effects of the gas grenade dropped from the Russian drone:



Footage which, according to RT, depicts Ukrainian soldier leaving position after exposure (stepping over wooden beam, left half of the screen).



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