

## II. The Skripal case: Assassination attempt in the United Kingdom using a toxic chemical

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### Details of the attempted assassination in Salisbury

On 4 March 2018, three people—Sergey Skripal, his daughter Yulia and Detective Sergeant Nick Bailey, a Wiltshire police officer—were exposed to a toxic chemical (acetylcholinesterase inhibitor) in Salisbury, Wiltshire, United Kingdom. Two others, Dawn Sturgess and Charlie Rowley, were exposed to the same toxic chemical in nearby Amesbury on 30 June. While the Skripals, Bailey and Rowley recovered from their exposure to the poison, Sturgess did not and she died on 8 July. Samples from the victims of the 4 March attack were tested at the UK's Defence Science and Technology Laboratory at Porton Down. Three days after the attack, the Metropolitan Police Service's Assistant Commissioner for Specialist Operations, Mark Rowley, announced that forensic analysis had revealed the presence of a nerve agent.<sup>1</sup> On 12 March the British Prime Minister, Theresa May, told parliament that the nerve agent used was a member of the novichok family and detailed the British Government's view that Russia was culpable for the attack.<sup>2</sup>

In the months that followed, a thorough police response—involving around 250 detectives who reviewed many thousands of hours of CCTV footage and took more than 1400 statements—together with the results of a forensic science investigation produced sufficient evidence for the Director of Public Prosecutions to bring charges against two Russian nationals, Alexander Petrov and Ruslan Boshirov.<sup>3</sup> The charges were: (a) conspiracy to murder Sergey Skripal; (b) the attempted murder of Sergey and Yulia Skripal and Nick Bailey; (c) the use and possession of novichok; and (d) causing grievous bodily harm with intent to kill Yulia Skripal and Nick Bailey. European arrest warrants were issued in the names of Petrov and Boshirov, although May informed parliament that the police assumed that these names were aliases. She also informed parliament that both suspects were officers of Russian military intelligence, known as the GRU.<sup>4</sup> By early October, investigations by Bellingcat—an investigative research network that uses open sources and social media—suggested that Ruslan Boshirov was Anatoliy Chepiga, a GRU

<sup>1</sup> See British House of Commons, Secretary of State for the Home Department Amber Rudd, 'Salisbury incident', *Hansard*, vol. 637, col. 486, 8 Mar. 2018.

<sup>2</sup> British House of Commons, Statement by Prime Minister Theresa May, 'Salisbury incident', *Hansard*, vol. 637, col. 620–21, 12 Mar. 2018.

<sup>3</sup> British House of Commons, Statement by Prime Minister Theresa May, 'Salisbury update', *Hansard*, vol. 646, col. 167–70, 5 Sep. 2018; and Crown Prosecution Service, 'CPS statement: Salisbury', Press release, 5 Sep. 2018.

<sup>4</sup> British House of Commons (note 3), col. 167.

officer, and that Alexander Petrov was Alexander Yevgenyevich Mioshkin, a doctor employed by the GRU.<sup>5</sup>

Accurate and reliable public information about novichok nerve agents, such as facts about their history, possessors, chemical composition and properties, is limited. Much of the available information comes from former participants in the Soviet chemical warfare programme, particularly Dr Vil Mirzayanov, who describes himself as a ‘veteran of the Soviet chemical weapons complex’.<sup>6</sup> In part, the limited amount of information in the public domain is because the agents seem to have originated from secret research. However, from what is in the public domain, it can be surmised that novichok (Russian for ‘newcomer’) is the name given to a series of chemical warfare agents developed in the Soviet Union as part of its FOLIANT programme.

Speculation by US and other Western defence officials about the objectives of the development of these nerve agents has included that they were designed to ‘defeat Western detection and protection measures’ and to be more readily hidden ‘within a legitimate commercial industry’, thereby enabling circumvention of the newly developing international controls on chemical weapons (CWs).<sup>7</sup> Information in the public domain about these agents can be traced to newspaper articles in 1991 and 1992.<sup>8</sup> They were raised, for example, during the Chemical Weapons Convention (CWC) ratification debate in the USA, when a number of newspaper articles referred directly to their existence. A *Washington Times* article on Russian CWs, for example, claimed to quote extensively from the classified US Department of Defense publication *Military Intelligence Digest*.<sup>9</sup> Nonetheless, because of the lack of reliable information about these agents, in early May 2018 the Director-General of the Organisation for the Prohibition of Chemical

<sup>5</sup> Bellingcat Investigation Team, ‘Skripal suspect Boshirov identified as GRU Colonel Anatoliy Chepiga’, 26 Sep. 2018; and Bellingcat Investigation Team, ‘Second Skripal poisoning suspect identified as Dr Alexander Mishkin’, 8 Oct. 2018.

<sup>6</sup> Mirzayanov, V., ‘Dismantling the Soviet/Russian chemical weapons complex: An insider’s view’, eds A. Smithson et al., *Chemical Weapons Disarmament in Russia: Problems and Prospects*, Report no. 17 (Stimson Center: Washington, DC, Oct. 1995), p. 21. See also Mirzayanov, V., *State Secrets: An Insider’s Chronicle of the Russian Chemical Weapons Program* (Outskirts Press: Denver, CO, 2009).

<sup>7</sup> US Office of the Secretary of Defense, *Proliferation: Threat and Response* (Office of the Secretary of Defense: Washington, DC, Jan. 2001), p. 4; US Department of Defense, *Department of Defense Chemical and Biological Defence Program*, vol. I, *Annual Report to Congress* (Department of Defense: Washington, DC, Apr. 2002), p. 9; and Smithson, A., *Toxic Archipelago*, Report no. 32 (Stimson Center: Washington, DC, Dec. 1999), p. 9.

<sup>8</sup> Mirzayanov, V., ‘Inversion’, *Kuranty* (Moscow), 10 Oct. 1991, p. 4; and Stock, T., ‘Allegations of CW and BW possession’, *SIPRI Yearbook 1993*, pp. 266–67.

<sup>9</sup> Gertz, B., ‘Russia dodges chemical arms ban’, *Washington Times*, 4 Feb. 1997, p. A1. See also Mirzayanov, V., ‘Free to develop chemical weapons’, *Wall Street Journal*, 25 May 1994, p. A16; Gertz, B., ‘Russia chemical arms reveal treaty’s risks, Helms says’, *Washington Times*, 5 Feb. 1997, p. A3; Krauss, C., ‘US urges Russia to end production of nerve gas’, *New York Times*, 6 Feb. 1997, p. 7; Walker, J., ‘The chemical weapons coverup’, *Wall Street Journal*, 13 Feb. 1997, p. A18; and Editorial, ‘A dangerous treaty’, *Wall Street Journal*, 19 Feb. 1997, p. A18.

Weapons (OPCW) requested states parties to provide information on new types of nerve agents.<sup>10</sup>

### **National, international and institutional responses**

#### *The British and Russian responses*

There had already been speculation about a Russian connection with the poisonings in Salisbury before May told parliament on 12 March:

Based on the positive identification of this chemical agent by world-leading experts at the Defence Science and Technology Laboratory at Porton Down, our knowledge that Russia has previously produced this agent and would still be capable of doing so, Russia's record of conducting state-sponsored assassinations and our assessment that Russia views some defectors as legitimate targets for assassinations, the Government have concluded that it is highly likely that Russia was responsible for the act against Sergei and Yulia Skripal.<sup>11</sup>

In a further briefing to parliament on 14 March, May announced that the UK's National Security Council had agreed a number of immediate actions, including the expulsion of '23 Russian diplomats who have been identified as undeclared intelligence officers'.<sup>12</sup> In the following weeks, more than 150 Russian diplomats were expelled from 27 countries and from Brussels by the North Atlantic Treaty Organization (NATO). Other countries, such as Luxembourg, as well as the European Union (EU) chose to recall their ambassadors.<sup>13</sup>

Russia responded with tit-for-tat diplomatic expulsions and called the UK's reaction an attempt 'to stoke with a renewed force the anti-Russia hysteria and campaign'.<sup>14</sup> May suggested that there were 'only two plausible explanations for what happened . . . either this was a direct act by the Russian state against our country; or the Russian Government lost control of their potentially catastrophically damaging nerve agent and allowed it to get into the hands of others'.<sup>15</sup> In response, Russian Government officials and media presented other potential explanations. The Director of the Russian Foreign Ministry Department for Non-Proliferation and Arms Control, Vladimir Yermakov, stated that 'Logic suggests two possible variants. Either the British

<sup>10</sup> OPCW, Technical Secretariat, 'Request for information from states parties on new types of nerve agents', Note by the Director-General, S/1621/2018, 2 May 2018.

<sup>11</sup> British House of Commons (note 2).

<sup>12</sup> British House of Commons, Statement by Prime Minister Theresa May, 'Salisbury incident', *Hansard*, vol. 637, col. 856, 14 Mar. 2018.

<sup>13</sup> European External Action Service, 'Head of EU delegation in Russia recalled for consultations', Brussels, 23 Mar. 2018; and Luxembourg Ministry for Foreign and European Affairs, 'Luxembourg's reaction to the Salisbury attack', Press release, 28 Mar. 2018.

<sup>14</sup> Russian Ministry of Foreign Affairs, 'Briefing by Foreign Ministry spokesperson Maria Zakharova, Moscow, March 15, 2018', Press release, 15 Mar. 2018.

<sup>15</sup> British House of Commons (note 12), col. 855.

authorities are unable to ensure protection against such terrorist attacks on their territory, or they were directly or indirectly involved in the preparation of this attack on a Russian citizen'.<sup>16</sup> Although Yermakov claimed there was no alternative to the two variants he had just proposed, many alternative narratives were suggested.<sup>17</sup>

*Political discussions in the OPCW*

Ambassador Peter Wilson of the UK briefed the OPCW Executive Council on the Salisbury incident in The Hague, the Netherlands, on 13 March, calling it 'the first offensive use of a nerve agent of any sort on European territory since World War II'.<sup>18</sup> Noting what the British Prime Minister had told parliament the day before, including her request for the Russian Government to explain how this toxic chemical could have been deployed in Salisbury, Ambassador Wilson informed the Executive Council that the OPCW had offered technical assistance to the UK.<sup>19</sup>

Ambassador Alexander Shulgin of Russia responded by describing the accusations of Russian involvement as 'unfounded' and 'absolutely unacceptable'.<sup>20</sup> News that the UK was accepting an offer of OPCW technical assistance came the following day and on 16 March a letter formally requesting technical assistance under Article VIII, paragraph 38e, was circulated to all states parties.<sup>21</sup> The OPCW Director-General later informed the Executive Council that an advance team had been deployed to the UK on 19 March for preliminary discussions about the technical assistance, and the full team was deployed on 21 March.<sup>22</sup>

<sup>16</sup> Russian Ministry of Foreign Affairs, 'Briefing by Director of the Foreign Ministry Department of Non Proliferation and Arms Control Vladimir Yermakov, Moscow, March 21, 2018', Press release, 21 Mar. 2018.

<sup>17</sup> See e.g. United Nations, Security Council, Statement by Ambassador Karen Pierce, UK Permanent Representative to the UN, Provisional record of the 8343rd meeting, S/PV.8343, 6 Sep. 2018, p. 13. The day before, Theresa May updated parliament on the Salisbury incident and the charges brought against 2 Russian nationals. She too noted the multiple narratives. See British House of Commons (note 3), col. 167.

<sup>18</sup> OPCW, Executive Council, 'Statement by HE Ambassador Peter Wilson, Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the OPCW at the Eighty-Seventh Session of the Executive Council', EC-87/NAT.5, 13 Mar. 2018, p. 1-2.

<sup>19</sup> OPCW (note 18), p. 1.

<sup>20</sup> OPCW, Executive Council, 'Statement by HE Ambassador A. V. Shulgin, Permanent Representative of the Russian Federation to the OPCW at the Eighty-seventh Session of the Executive Council (on the chemical incident in Salisbury)', EC-87/NAT.9, 13 Mar. 2018, p. 1.

<sup>21</sup> OPCW, Executive Council, 'Statement by HE Ambassador Peter Wilson, Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the OPCW at the Eighty-seventh Session of the Executive Council (update on the use of nerve agent in Salisbury, United Kingdom of Great Britain and Northern Ireland)', EC-87/NAT.12, 14 Mar. 2018; and OPCW, Executive Council, 'Statement by the Delegation of the United Kingdom of Great Britain and Northern Ireland to the OPCW at the Fifty-seventh meeting of the Executive Council', EC-M-57/NAT.2, 4 Apr. 2018, p. 2.

<sup>22</sup> OPCW, Executive Council, 'Update by the Director-General to the Executive Council at its Fifty-seventh meeting', EC-M-57/DG.1, 4 Apr. 2018, para. 3.

At the beginning of April, the Russian delegation sent a list of questions to the British authorities via the OPCW Technical Secretariat regarding ‘the fabricated “Skripal case”’.<sup>23</sup> These included a request for the name of the head of the Technical Assistance Team and the names of the certified laboratories that would analyse the samples. The Director-General later told Executive Council members that: ‘In keeping with its standard practice, the Secretariat does not disclose the identities of members of teams or mission planning details to states parties other than the state party hosting the technical assistance visit.’<sup>24</sup> The 57th meeting of the Executive Council, held on 4 April, was requested by Russia in order to address ‘the situation around allegations of non-compliance with the Convention made by one state party against the other state party with regard to the incident in Salisbury’.<sup>25</sup>

In the publicly available, tense exchanges that followed, the British delegation commented that ‘we were unsighted as to Russia’s intentions behind today’s session... Indeed our Permanent Representative is... overseas’.<sup>26</sup> Recalling that Russia had failed to provide answers to the questions posed to it, the delegation described the ‘more than 24 contradictory and changing counter narratives’ that had since emerged as ‘shameless [and] preposterous’.<sup>27</sup> In the Russian delegation’s statement, Professor Dr Rybalchenko, a Russian Ministry of Defence chemical sciences expert, queried the idea that novichok nerve agents could be attributed in origin solely to Russia, arguing that a review of the open literature suggests that any such notion is ‘incorrect, and... essentially absurd’.<sup>28</sup> Rybalchenko claimed that:

With the structural formulas and the synthesis diagrams available, any modern chemical laboratory with the requisite special equipment, level of protection, and sufficiently qualified staff can synthesise and conduct research on ‘Novichok’-type substances. All synthesis pre-products for these compounds are commercially available to many States.<sup>29</sup>

<sup>23</sup> Permanent Representation of the Russian Federation to the OPCW, ‘Questions for the OPCW’s Technical Secretariat’, 1 Apr. 2018; and United Nations, Security Council, Provisional record of the 8237th meeting, S/PV.8237, 18 Apr. 2018, p. 14.

<sup>24</sup> OPCW (note 22), para. 3.

<sup>25</sup> Russian Federation, Letter from the Permanent Mission of the Russian Federation to the Chairperson of the Executive Council, as annexed in OPCW, Executive Council, ‘Request by the Russian Federation to convene a meeting of the Executive Council’, Note by the Director-General, EC-M-57/1, 30 Mar. 2018. According to Rule 12 of the Executive Council’s Rules of Procedure, the Executive Council meets in regular sessions and between those regular sessions it can meet as often as is required for the fulfilment of its powers and functions. As a result, each member of the Council needs to be prepared, at short notice, to attend meetings of the Council. In 2018 there were 3 regular Sessions of the Council and 5 meetings.

<sup>26</sup> OPCW (note 21), p. 1.

<sup>27</sup> OPCW (note 21), p. 2.

<sup>28</sup> OPCW, Executive Council, ‘Statement by G. V. Kalamonov, Deputy Minister of Industry and Trade of the Russian Federation and I. V. Rybalchenko, Professor, Doctor of chemical sciences, expert of the Ministry of Defence of the Russian Federation at the Fifty-seventh Meeting of the Executive Council’, EC-M-57/NAT.4, 4 Apr. 2018, p. 4.

<sup>29</sup> OPCW (note 28), p. 4.

Speaking shortly afterwards, Ambassador Shulgin argued that the CWC contains no provision that allows for the sort of technical assistance being received by the UK.<sup>30</sup> He went on to propose a joint UK–Russia inquiry into the Salisbury incident and declared that Russia would ‘recognise the conclusions of any investigation . . . if it is based on irrefutable facts and evidence in compliance with all existing procedures of international law and with the mandatory participation of the Russian side’.<sup>31</sup> Some states parties, such as Panama, urged Russia and the UK to ‘engage in constructive dialogue’.<sup>32</sup> Others, such as Canada, advised Council members to ‘recognise Russia’s draft decision for what it is: a time-wasting attempt at legal obfuscation, meant to deflect international attention from its failure to respond credibly to direct requests by the UK for an explanation of Russian involvement in the Salisbury incident’.<sup>33</sup> The draft decision received only six positive votes and was therefore defeated.<sup>34</sup>

*Political discussions in the UN Security Council and the First Committee*

Ambassador Vassily Nebenzia of Russia reiterated Russia’s position to the United Nations Security Council on 14 March—that allegations of its involvement in the Salisbury incident were ‘unfounded’ and ‘totally unacceptable’.<sup>35</sup> On 18 April the Security Council was informed by the High Representative for Disarmament Affairs, Izumi Nakamitsu, of the findings of the OPCW’s Technical Assistance Team Visit report. In response, Ambassador Nebenzia commented: ‘Today we heard the same series of unsubstantiated accusations, now allegedly backed up by the authority of the [OPCW].’<sup>36</sup> He proceeded to identify what in his opinion were flaws in the report. Ambassador Nebenzia’s claim that the accusations were unsubstantiated continued throughout the period covered by this chapter. In his response on 6 September to news that arrest warrants had been issued for two Russian citizens, he called the British case ‘the same litany of lies’ and suggested that

<sup>30</sup> OPCW, Executive Council, ‘Statement by HE Ambassador A. V. Shulgin, Permanent Representative of the Russian Federation, to the OPCW at the Fifty-seventh Meeting of the Executive Council’, EC-M-57/NAT.6, 4 Apr. 2018, p. 3.

<sup>31</sup> OPCW (note 30), p. 6.

<sup>32</sup> OPCW, Executive Council, ‘Statement by HE Ambassador Willys Delvalle, Permanent Representative of the Republic of Panama, to the OPCW at the Fifty-seventh Meeting of the Executive Council’, EC-M-57/NAT.16, 4 Apr. 2018.

<sup>33</sup> OPCW, Executive Council, ‘Statement by HE Ambassador Sabine Nolke, Permanent Representative of Canada to the OPCW at the 57th Meeting of the Executive Council 4 April 2018’, 4 Apr. 2018.

<sup>34</sup> British Foreign and Commonwealth Office, ‘Foreign Secretary Boris Johnson responds to defeat of Russia’s proposals at OPCW’, Press release, 4 Apr. 2018.

<sup>35</sup> United Nations, Security Council, Provisional record of the 8203rd meeting, S/PV.8203, 14 Mar. 2018, p. 8.

<sup>36</sup> United Nations, Security Council, Provisional record of the 8327th meeting, S/PV.8327, 18 Apr. 2018, p. 12.

this was ‘just as cooked up and far-fetched as the previous acts’.<sup>37</sup> He declared that: ‘The Russian Federation has never developed, produced or stockpiled the toxic chemicals referred to in the West as Novichok’.<sup>38</sup> Nebenzia concluded his intervention by suggesting once again that these accusations were in response to Russia’s stance on Syria:

The incident on 4 March became a useful pretext to whip up anti-Russian hysteria, and was used to undermine our authority as a State party to the Chemical Weapons Convention on the eve of the staged use of chemical weapons in the Syrian city of Douma. We are seeing a similar picture today. The statement by Theresa May on 5 September took place . . . around the situation in Idlib, which is being actively discussed, and the chemical-weapon provocation that the militants, together with the White Helmets, have been preparing there.<sup>39</sup>

Divisions in the UN Security Council and the OPCW were similarly reflected in the 73rd Session of the UN First Committee, which met in New York between 8 October and 8 November 2018. Around 50 statements referenced CWs during the general debate, condemning to various degrees their use, including in Salisbury. In its statement, Iran stated that the divisions in the OPCW ‘must be settled’ to avoid inflicting ‘lasting damage on the Convention’.<sup>40</sup> Brazil similarly regretted the ‘sapping of the culture of consensus in the policymaking bodies of the organization’.<sup>41</sup> Reflecting these divisions, the annual draft resolution on the CWC put forward by Poland, which is normally agreed by consensus, required a vote on approval for forwarding to the General Assembly. The results of the vote were 148 in favour and 7 against (Cambodia, China, Iran, Nicaragua, Russia, Syria and Zimbabwe) with 23 abstentions.<sup>42</sup> A vote was also required when the General Assembly considered the resolution on 5 December, which was recorded as 152 in favour and 7 against (Cambodia, China, Iran, Nicaragua, Russia, Syria and Zimbabwe) with 22 abstentions.<sup>43</sup>

<sup>37</sup> United Nations, Security Council, Provisional record of the 8343rd meeting, S/PV.8343, 6 Sep. 2018, p. 9–10.

<sup>38</sup> United Nations (note 37), p. 11.

<sup>39</sup> United Nations (note 37), p. 11.

<sup>40</sup> United Nations, General Assembly, ‘Statement by HE Mr Eshagh Al Habib, Ambassador and Permanent Representative of the Islamic Republic of Iran to the United Nations, before the First Committee of the United Nations General Assembly on all disarmament and international security agenda items’, New York, 15 Oct. 2018, p. 3.

<sup>41</sup> United Nations, General Assembly, ‘Statement by Alex Glacomelli, Minister-Counsellor, Permanent Mission of Brazil to the United Nations’, New York, 24 Oct. 2018, p. 1.

<sup>42</sup> United Nations, General Assembly, ‘First Committee sends 8 drafts to General Assembly, including text aimed at identifying, holding perpetrators of chemical weapons use accountable’, Press release, 5 Nov. 2018.

<sup>43</sup> United Nations, General Assembly, ‘General Assembly adopts 67 disarmament drafts, calling for greater collective action to reduce arsenals, improve trust amid rising global tensions’, Press release, 5 Dec. 2018.

*The OPCW response*

The main response from the Technical Secretariat with regard to the Salisbury incident came in the form of two technical assistance visits to the UK, at its request, which were conducted in March and July–August 2018. A publicly available summary report shows that during the first technical assistance visit on 21–23 March, the team visited specific locations in Salisbury ‘identified as possible hot-spots of residual contamination’ and collected several environmental samples.<sup>44</sup> Biomedical samples, in the form of blood samples, were also taken from the three individuals exposed to the nerve agent.<sup>45</sup> The report notes that the results of the analysis by OPCW-designated laboratories of environmental and biomedical samples collected by the OPCW team ‘confirm the findings of the United Kingdom relating to the identity of the toxic chemical that was used in Salisbury and severely injured three people’.<sup>46</sup> In addition, ‘the toxic chemical was of high purity’ due to the ‘almost complete absence of impurities’.<sup>47</sup>

Following the associated event in nearby Amesbury on 30 June, a second technical assistance visit was conducted at the UK’s request. A report on the second visit was circulated to states parties on 4 September 2018 and a summary report placed on the public website.<sup>48</sup> The summary report notes that technical assistance visits took place on 15–18 July to collect biomedical samples and on 13 August 2018 to obtain an additional environmental sample. During the August visit the team collected a sample from the contents of a small bottle that the police regarded as a suspect item. Subsequent analysis by the OPCW-designated laboratories concluded that Charles Rowley and Dawn Sturgess had been ‘exposed to and intoxicated by’ the toxic chemical found in the environmental sample.<sup>49</sup> In addition, the toxic chemical was at ‘a concentration of 97–98% [and so] is considered a neat agent of high purity’.<sup>50</sup> The analysis concluded:

The results of the analysis conducted by the OPCW Designated Laboratories of environmental and biomedical samples collected by the OPCW team confirm the findings of the United Kingdom relating to the identity of the toxic chemical that intoxicated Mr Charles Rowley and Ms Dawn Sturgess. The toxic chemical compound,

<sup>44</sup> OPCW, Technical Secretariat, ‘Summary of the report on activities carried out in support of a request for technical assistance by the United Kingdom of Great Britain and Northern Ireland (technical assistance visit TAV/02/18)’, Note by the Technical Secretariat, S/1612/2018, 12 Apr. 2018, para. 5.

<sup>45</sup> OPCW (note 44), para. 4.

<sup>46</sup> OPCW (note 44), para. 10.

<sup>47</sup> OPCW (note 44), para. 11.

<sup>48</sup> OPCW, Technical Secretariat, ‘Summary report on the activities carried out in support of the request for technical assistance by the United Kingdom of Great Britain and Northern Ireland (Technical Assistance Visit TAV/02/18 and TAV/03B/18 “Amesbury incident?”)’, Note by the Technical Secretariat, S/1671/2018, 4 Sep. 2018.

<sup>49</sup> OPCW (note 48), para. 8.

<sup>50</sup> OPCW (note 48), para. 10.



which displays the toxic properties of a nerve agent, is the same toxic chemical that was found in the biomedical and environmental samples relating to the poisoning of Sergei and Yulia Skripal and Mr Nicholas Bailey on 4 March 2018 in Salisbury.<sup>51</sup>

### **Competing narratives and the role of information warfare in the attribution of responsibility**

A notable feature of the responses to the Salisbury incident was the use of different forms of media to garner support for explanations of how novichok came to be used in Salisbury. In the weeks immediately following the incident, numerous and confusing counternarratives to the idea that Russia was involved were disseminated on both traditional media and social media platforms. The counternarratives to the Salisbury incident also began to merge with counternarratives to other CW use allegations, such as those concerning Douma.<sup>52</sup> Some of the counter narratives broadcast by the RT television network were later found to have breached UK broadcasting standards by failing to preserve due impartiality in seven news and current affairs programmes aired between 17 March and 26 April.<sup>53</sup>

In addition to offering potential counternarratives to Russian involvement in the Salisbury incident, efforts were made to cast doubt on the results of the OPCW analysis of samples. Speaking at the 26th Council for Foreign and Defence Policy in Moscow on 14 April, the Russian Foreign Minister, Sergey Lavrov, claimed to be quoting sections of what he described as the Spiez Laboratory report to the OPCW, which had been ‘obtained on condition of confidentiality’.<sup>54</sup> Lavrov claimed that the samples ‘indicate traces of the toxic chemical BZ and its precursor which are second category chemical weapons . . . This composition was in operational service in the armies of the US, the UK and other NATO countries. The Soviet Union and Russia neither designed nor stored such chemical agents’.<sup>55</sup> Attempting to cast doubt on the findings with regard to the recovery of Sergey Skripal, Yulia Skripal and

<sup>51</sup> OPCW (note 48), para. 11.

<sup>52</sup> See e.g. the *Crosstalk* television programme of 16 Apr. 2018, Ofcom Broadcast and On Demand Bulletin, no. 369, 20 Dec. 2018, p. 100.

<sup>53</sup> Beginning in Apr. 2018, Ofcom, the British regulator of communications services, launched an investigation into 10 programmes that ‘were broadcast in a period of approximately seven weeks between 17 March 2018 and 4 May 2018, in the wake of the poisoning of the former FSB secret service officer, Sergei Skripal and his daughter Yulia in Salisbury on 4 March 2018’. Ofcom found that the news channel RT had broken broadcasting rules and was ‘minded to consider imposing a statutory sanction’. See Ofcom, ‘Update on investigations into the RT news channel’, Media release, 20 Dec. 2018.

<sup>54</sup> Russian Ministry of Foreign Affairs, ‘Foreign Minister Sergey Lavrov’s address at the 26th Assembly of the Council for Foreign and Defence Policy, Moscow, April 14, 2018’, Press release, 14 Apr. 2018.

<sup>55</sup> Russian Ministry of Foreign Affairs (note 54).

Detective Sergeant Nick Bailey, Lavrov suggested that the ‘clinical pattern corresponds more to the use of BZ agent’.<sup>56</sup>

At the Executive Council meeting that followed four days after this statement, the Director-General explained that the precursor of BZ ‘was contained in the control sample prepared by the OPCW Lab in accordance with the existing quality control procedures’.<sup>57</sup> The Swiss delegation expressed its ‘incomprehension’ of Lavrov’s statement:

Whether or not Spiez Laboratory was one of the designated laboratories involved in the analysis of the Salisbury samples, an analysis report of our designated laboratory would not have been drafted in the way and contained the type of language alleged to be a quote from a Spiez Laboratory report . . . Such actions weaken the credibility and integrity of this Organisation and are as such unacceptable.<sup>58</sup>

<sup>56</sup> Lavrov claimed to be using the actual words from the laboratory report, but this is doubtful, not least for the reasons set out by the Swiss delegation. Russian Ministry of Foreign Affairs (note 54).

<sup>57</sup> OPCW, Executive Council, ‘Opening statement by the Director-General to the Executive Council at its Fifty-ninth meeting’, EC-M-59/DG.1, 18 Apr. 2018, p. 3.

<sup>58</sup> OPCW, Executive Council, ‘Statement by Nadine Olivier Lozano, Deputy Permanent Representative of Switzerland to the OPCW at the Fifty-ninth Meeting of the Executive Council, Under Agenda item 3, Report on the activities carried out in support of a request for technical assistance by the United Kingdom of Great Britain and Northern Ireland (TAV/02/18)’, EC-M-59/NAT.2, 18 Apr. 2018, p. 2.