

Formal Consultative Meeting of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

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Respective outstanding questions by the Russian Federation to the United States and to Ukraine concerning the fulfilment of their respective obligations under the Convention in the context of the operation of biological laboratories in Ukraine

Questions to the United States regarding compliance with the obligations under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BTWC) in the context of the activities of biological laboratories in the territory of Ukraine

Submitted by the Russian Federation

1. For a long time, the Russian Federation openly made claims and expressed its concerns over the military-biological activities conducted with the most direct assistance and involvement of the US Department of Defense (DoD) in the laboratories in the territory of former USSR republics, away from the North American continent and close to the Russian borders. Such activities are conducted *inter alia* indirectly through the Pentagon's Defense Threat Reduction Agency (DTRA) and private companies that are permanent contractors of the US DoD, including *Black & Veatch Special Projects Corp.*, *CH2M Hill*, and *Metabiota*.
2. The US reports provided annually within the BTWC confidence building measures that have been developed by the States Parties "in order to prevent or reduce the occurrence of ambiguities, doubts and suspicions" miss the data on the programs and projects implemented outside the national territory, or on the financing thereof. Our repeated appeals to the American side to provide exhaustive explanations with respect to such activities remain without due feedback in essence. Such a secrecy and neglect of Russian claims by the United States are but confirm their validity.
3. In the course of the special military operation in Ukraine the Russian Federation obtained a number of documents and evidences that cast a light upon the genuine nature of interaction between the Pentagon and its contractors with the Ukrainian side in the military-biological area. The data analysis points to the non-compliance by the United States with the BTWC provisions.
4. Under the 2005 Agreement between the US DoD and the Ministry of Health of Ukraine Concerning Cooperation in the Area of Prevention of Proliferation of Technology, Pathogens and Expertise that could be Used in the Development of Biological Weapons (hereinafter "the Agreement") the Pentagon may "provide the Ministry of Health of Ukraine with assistance" in the area of "cooperative biological research, biological threat agent



detection and response” with regard to “dangerous pathogens located at the facilities in Ukraine” (Article 3). Article 4 of the Agreement prescribes to store all dangerous pathogens at the laboratories assisted by the US DoD as well as transfer to the United States the copies of all strains collected in Ukraine and data generated by the infectious disease surveillance in that country. The deliverables under the Agreement as well as the information on its implementation become sensitive by default under Article 7. At the same time, pursuant to Article 5, the Pentagon’s representatives shall have the right to participate in all aspects of implementation of the Agreement.

5. The direct involvement of the US DoD in financing the military-biological activities in Ukraine is reflected in the 2018 Plan concerning the provision of technical assistance to certain recipients of the Ministry of Defense to the 2005 Agreement. The real recipients of funds are the laboratories of the Ministry of Defense of Ukraine located in Kiev, Lvov, Odessa, and Kharkov. *Black & Veatch Special Projects Corp.* was designated as an implementation contractor.

6. By 2020, the number of Ukrainian laboratories involved in the works financed by the Pentagon through the DTRA and *Black & Veatch Special Projects Corp.* private contractor company reached 30 (located in 14 communities), as specified in the corresponding registration card. According to our available information from various sources the US citizens (including biological weapons experts) while enjoying the diplomatic immunity (including from criminal prosecution) were involved in handling dangerous pathogens.

7. The final report upon review of the microorganism strain collection at the I. Mechnikov Anti-Plague Scientific and Research Institute in Odessa gives the most vivid insight in the scale and focus of the military-biological activities on the territory of Ukraine. According to this document, the Institute had 422 cholera storage units and 32 anthrax storage units. Notable is a large number of test tubes that contained the same strains of different passages. Absent mass outbreaks of these diseases in Ukraine in recent years, the range and accumulated volumes of bioagents challenge their alleged prophylactic, protective or other peaceful uses.

8. At the same time, the list of the studied pathogens disagrees with the current Ukraine’s health issues, as outlined in the World Health Organization documents (measles, poliomyelitis, tuberculosis and other socially significant infections), but includes pathogens of dangerous infectious diseases that are potential agents of biological weapons.

9. The documents obtained contain the descriptions of UP-4 and P-781 projects to study the possibility to spread dangerous infections (including highly pathogenic influenza and Newcastle disease) through migratory birds and bats (including pathogens of plague, leptospirosis, brucellosis as well as coronaviruses and filoviruses that are potentially infectious to humans) that can be considered as delivery means. The geographic scope of both projects affected the Russia-bordering regions of Ukraine as well as the territory of Russia itself.

10. At the same time, the available information suggests the DTRA’s leading role in those projects.

11. Unanswered remains the question on the U.S. patent No. 8,967,029 B1 as of 3 March 2015 issued by the US Patent and Trademark Office for an unmanned aerial vehicle for the aerial release of the infected mosquitoes, i.e. for a device (unit) designed to be applied as a technical means of delivery and use of a biological weapon – “biological and immunobiological agents, bacteria and viruses” (including highly contagious) “that could wipe out 100 percent of the enemy troops.”

12. According to the Description an unmanned aerial vehicle transports a container housing a huge number of infections transmitting mosquitoes to release them at a designated area. The attacked people get infected with highly contagious diseases via mosquito bites. The description clearly states that an infected military man will not be able to fulfill the assigned mission, therefore “[s]ickness can be a very valuable military tool [...] than the most up-to-date military guns and equipment.” It is indicated that infecting an enemy manpower in such a way would be of a significant military effect.

13. In accordance with the US law a patent cannot be issued in the United States unless a complete description of the actual machine is provided. Therefore, it follows that a container as a bioagent delivery means has been developed and can be manufactured on the fly.

14. The above circumstances and the nature of military-biological activities carried out in Ukraine testify to the violations of the BTWC Article I provisions. Taking into account the above information on the close cooperation between the US DoD, American private companies and Ukrainian laboratories it becomes obvious that the military-biological activities carried out by the Pentagon and its contractors in the territory of Ukraine as well as the above described invention fall in full under the prohibitions of Article IV of BTWC.

15. Such assessments are additionally confirmed by the analytical reports of the Kherson Department of the Security Service of Ukraine dated 30 June 2016 and 28 February 2017. It is indicated therein that the DTRA programs implemented through *Black & Veatch Special Projects Corp.* were intended to establish control over the functioning of microbiological laboratories in Ukraine conducting research on pathogens of infectious diseases that can be used to create or modernize biological weapons. It is indicated that the projects being subordinate to the military department of a foreign State created prerequisites for the foreign specialists to penetrate into the regional biolaboratories and familiarize themselves with the strategic developments.

16. The BTWC came into effect for the United States in 1975 with its entry into force. The Convention (in particular, the mentioned Article IV) imposes obligations on the United States to prevent prohibited activities anywhere within its territory, in the territory under the jurisdiction or control of a State anywhere by anyone, including individuals and legal entities. The status of the United States as a depositary State renders particularly important the compliance with its provisions.

17. The above stated facts clearly contradict the specified obligations of the United States provided for in the BTWC. We believe it is required to expeditiously take measures to remedy the situation.

The annexed documents are available through the following link:

<https://documents.unoda.org/wp-content/uploads/2022/09/WP2-annexes-for-website.pdf>
