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## CHAPTER 5

### IRAQ

#### 5.1 INTRODUCTION

151. A great deal of information on Iraq's nuclear, chemical, biological and ballistic missile programmes has already been published - more so, it seems to us, than on the other countries we have studied. We do not therefore seek to tell the full story here. Rather, we focus mainly on the intelligence assessments made by the British intelligence community; on how they were derived, and especially on the reliability of the underpinning intelligence; and on the use made of intelligence in a range of activities of Ministers and their departments.
152. We have sought in our examination of departmental papers and in our questioning of witnesses to assess the intelligence on Iraqi capabilities to enable us to answer three broad questions:
- a. What was the quality of the intelligence and other evidence, and the assessments made of it, about the **strategic intent** of the Iraqi regime to pursue nuclear, biological, chemical or ballistic missile programmes in contravention of its obligations under United Nations Security Council Resolution 687?
  - b. What was the quality of the intelligence or other evidence, and the assessments made of it, about Iraq seeking to sustain and develop its indigenous knowledge, skills and materiel base which would provide it with a **'break-out' capability** in each of those fields? Was there in particular good intelligence or other evidence of Iraq pursuing activities to extend and enhance those capabilities in contravention of its obligations under United Nations Security Council Resolutions?
  - c. What was the quality of the intelligence or other evidence, and the assessments made of it, about Iraqi **production** or **possession** of prohibited chemical and biological agents and weapons, nuclear materials and ballistic missiles?
153. We have studied the assessments of the Joint Intelligence Committee (JIC) and the intelligence reports that underlay them as far back as 1990, for two reasons. First, we have sought to establish whether there are any detectable systemic issues surrounding the effective operation of the intelligence process over more than a decade which might have affected JIC assessments in the period prior to the second Gulf war. Secondly, we have sought to establish whether assessments made about the scale of Iraq's nuclear, biological, chemical and ballistic missile weapons programmes at the time of the first Gulf war and during the early- and mid-1990s had a lasting impact which was reflected in JIC assessments made in 2002 and 2003.

154. We have sought in particular to examine whether there is anything in JIC assessments made over the period from 1990 to 2003 which might illuminate the central conundrum that underlay the establishment of our Review – the apparent absence, against expectations, of significant stocks of chemical and biological agents and weapons, and of longer-range ballistic missiles, when coalition forces entered Iraq in 2003. We recognise that we have the advantage of hindsight in doing so.

## 5.2 1990–1998

155. We looked first at JIC assessments and underpinning intelligence reports in the period from 1990, prior to the first Gulf war, to the departure of United Nations inspectors in 1998. We set out the JIC’s judgements in some detail (as we do throughout this Chapter). We have chosen not to comment in as much detail in this Section on the underpinning intelligence reports or on the sources. In part, this is because many of the JIC’s judgements changed in later years as new intelligence was received. In part, it is because the most authoritative information on the status of Iraq’s nuclear, biological, chemical and ballistic missile programmes in this period came from reports produced by the United Nations Special Commission (UNSCOM) and by the International Atomic Energy Agency (IAEA) derived from their inspection activities on the ground. But it may help in setting the context for what follows to record that our Review has shown that the intelligence agencies contributed to a steady flow of intelligence covering Iraqi procurement activities, attempts to break United Nations sanctions, concealment of prohibited programmes and plans for handling UNSCOM and IAEA inspections. Intelligence reporting increased in volume as the dispute between the Iraqi regime and the United Nations developed in 1998.

## IRAQ’S NUCLEAR WEAPONS PROGRAMME

156. A JIC assessment produced in September 1990 noted that:

*Our assessment is that, unless it receives significant external assistance, it will take Iraq:*

- *at least three years to establish a production capability for fissile material;*
- *one more year before sufficient weapons-grade material would be available for the production of one nuclear device; and*
- *a further year or more (ie 1995 at the earliest) before there would be enough material for a small stockpile of 3–4 weapons.*

[JIC, 27 September 1990]

157. That assessment was based on the Iraqis using only a centrifuge route to the enrichment of fissile material, an assumption later shown to be incorrect. But it did cover, on the basis of intelligence, the ability of the Iraqi regime to implement a ‘crash programme’ to acquire a nuclear device in a considerably shorter time. The JIC noted that doing so would require Iraq to order diversion to military purposes of nuclear material stored at civil sites, in breach of the IAEA safeguards regime; to recover unburnt uranium from reactor fuel; and

to have advanced with work on firing systems and high explosive parts to the stage where they could be incorporated into a nuclear device. The JIC noted that:

*If and only if all of these conditions were met, and assuming that reprocessing of diverted fuel started at the time of the invasion of Kuwait, then it is conceivable that Iraq could have the capability to make an untested nuclear weapon (though not a series of weapons) with a yield of approximately 20 kilotonnes by the end of this year.*

[JIC, 27 September 1990]

158. The JIC noted that there were some indications that Saddam Hussein might have authorised a development project on those lines. It also concluded, however, that those indications did not lead it to alter its judgement that:

*. . . the technical difficulties would be so great as to be virtually insurmountable in the short time available.*

[JIC, 27 September 1990]

159. In a further assessment in December 1990, produced following an IAEA inspection in November, the JIC noted that:

*We have no intelligence that would cause us to change our assessment of Iraq's current nuclear capability. Without significant foreign assistance, Iraq is still at least three years away from the capability to produce fissile material itself; and at least a further year away from being able to turn it into a weapon.*

[JIC, 4 December 1990]

160. The JIC also reconsidered its previous judgements on the possibility of Iraq having a 'crash programme' to build a nuclear device, concluding that:

*We continue to believe that the most obvious short cut for Iraq to produce at least one nuclear device would be by diverting the material from its civil reactor programme, which was inspected by the IAEA. We have no reason to believe that the IAEA inspection was flawed. This means that the material had not been diverted by 22 November. If, however, material were diverted immediately after the inspection . . . [Iraq] might, in ideal circumstances, be able to produce a single, untested device by mid-1991. But we continue to believe that the technical problems would be so great as to be virtually insurmountable in such a short timescale.*

[JIC, 4 December 1990]

161. Finally, the JIC noted that:

*The only other way in which Iraq could have a nuclear weapon within the next few months would be for it to acquire, or to have acquired, the necessary material, or a complete weapon, from an outside supplier.*

[JIC, 4 December 1990]

162. The JIC dismissed this option, on the grounds that, of the countries with access to fissile material, only a few might conceivably have the motivation to supply the necessary material or weapons and that the JIC did not in any case consider such supply likely.

163. The period after the war was marked by periodic reports by the JIC on the progress made by the IAEA in supervising the dismantlement of Iraq's nuclear weapons programme, and re-assessments of Iraq's indigenous capabilities and the timescales within which it might be able to build a viable nuclear device. It is clear that two IAEA discoveries in 1991 had a significant impact on JIC assessments of Iraqi capabilities in the nuclear field.

164. The first was the discovery that, rather than focusing only on the centrifuge route, Iraq had been pursuing a number of routes for the production of fissile material. The JIC reported that, on the basis of post-war intelligence, it now knew that:

*... in the 1980s Iraq investigated four methods of uranium enrichment, including the use of centrifuges. But the route that had made most progress was electromagnetic isotope separation (EMIS).*

[JIC, 11 July 1991]

165. The JIC noted also that, according to the intelligence:

*... enough fissile material had been produced before the coalition air attacks to produce one nuclear device.*

[JIC, 11 July 1991]

166. The JIC concluded that, whilst it found the new intelligence generally credible, it did not believe that Iraq could have obtained enough fissile material for a bomb by the route described in the new intelligence - a judgement later supported by the IAEA. It nevertheless cautioned that:

*Nonetheless, given our lack of intelligence about the Iraqi nuclear programme, we cannot exclude the possibility that Iraq might have produced more fissile material than we have previously believed.*

[JIC, 11 July 1991]

167. The second discovery was that made by an IAEA inspection team in September 1991 of significant volumes of documents about Iraq's nuclear weapons programme. The JIC noted that the inspection had confirmed the existence of a comprehensive Iraqi nuclear weapons programme. It concluded that:

*On the basis of the evidence so far of the programme's progress before Desert Storm, Iraq could have made its first nuclear weapon by 1993, had its work not been interrupted by the war.*

[JIC, 3 October 1991]

that is, at least two years earlier than its pre-war assessment.

168. It is clear from the papers we have seen and from oral evidence given by witnesses that the IAEA's discovery in 1991 of the full scale of Iraqi capabilities had a significant impact on JIC assessments thereafter.

169. A JIC assessment of August 1995 included an assessment of evidence provided by Saddam Hussein's son-in-law, Hussein Kamil, after his defection, and of new information which was drawn out from the Iraqi regime as a result of that defection. The JIC noted that:

*Iraq also admits it previously concealed the full extent of its nuclear programme. It has revealed that in August 1990 it began a crash programme, later abandoned, to build a nuclear weapon within a year.*

[JIC, 24 August 1995]

170. The JIC also noted that Iraq:

*. . . intended to use nuclear material held under IAEA safeguards in Iraq. The Iraqis claim the plan was abandoned because they concluded that the IAEA would detect their activities. In fact, they had insufficient fissile material to make a nuclear device. Hussein Kamil's reported claim that, at the time of the Gulf conflict, Iraq was only three months from completing a nuclear weapon probably refers to the 'crash programme'. It is very unlikely to be true.*

[JIC, 24 August 1995]

171. JIC assessments in the period after 1995 to the departure of the United Nations inspectors focussed on continuing IAEA activities, and on Iraq's residual indigenous capabilities. They included a consistent JIC assessment that, if all United Nations controls on Iraq's nuclear activities were removed, Iraq could possibly develop a nuclear device in around five years. We have taken as a useful summary of Iraqi capabilities at that time a JIC assessment in February 1998 that:

*UNSCOM and the IAEA have succeeded in destroying or controlling the vast majority of Saddam's 1991 weapons of mass destruction (WMD) capability.*

[JIC, 4 February 1998]

## **IRAQ'S CHEMICAL WEAPONS PROGRAMME**

172. In reviewing JIC assessments of Iraq's chemical weapons programme, we were struck at the outset by the impact of a single intelligence report received in November 1990 on the then Iraqi chemical warfare capability. (We cover at Chapter 6 the impact of reporting from this source on JIC assessments of Iraqi possession and production of plague and 'dusty mustard'.) The report added new detail to the JIC's existing body of knowledge, covering the types of chemical agents held in the Iraqi stockpile; the capabilities of those agents; their weaponisation into free-fall bombs; the availability of suitable ballistic missiles for the delivery of particular agents; and the volumes of each type of agent, and hence of the total chemical agent stockpile. JIC assessments picked up key details from this report, including putting Iraq's total chemical agent stocks in the range 15,000–22,000 tonnes - a figure adopted briefly by the JIC.

173. We can understand how such a detailed report, received only a little before the onset of hostilities, would have caught the attention of the intelligence community. We can also understand how, in such circumstances, the JIC might have felt that it needed to present a worst case assessment, and to let those responsible for operational planning have all

available intelligence, even if uncorroborated. But we have noted that the report turned out to be wrong on several counts: on the total stockpile of chemical agent, on the availability of particular types of agent and on the ballistic missile systems available for their delivery.

174. Estimates of the size of the Iraqi chemical agent stockpile were revised radically downwards in the immediate pre-war period, from the November 1990 estimate described above to an assessed range of 6,000–10,000 tonnes. This was drawn up to provide military commanders with an indication of the possible scale of Iraq's use of chemical weapons, and of how long such use could be sustained. We questioned the derivation of the figures. We were told that the calculation started from an estimate of Iraq's chemical agent production capacity, derived from past intelligence about production at individual plants, pieced together to provide a figure for the combined capacity of Iraq's production plants of 3,000–5,000 tonnes per annum<sup>1</sup>. Estimates of the possible size of the stockpile were derived by assuming two years' production at full capacity over the period from the end of the Iran/Iraq war until the start of the first Gulf war. Such estimates assumed that no chemical agent stocks had been left over from the Iran/Iraq war. The sizeable range given is a reflection of the uncertainty inherent in this estimate, and especially in the scale of operation of the production plants. Less agent would have been available had the plants been operating at less than full capacity; more would have been available had some stocks remained after the Iran/Iraq war.
175. We understand why the JIC chose that method of calculation, given the limited evidence available in the immediate post-war period of residual Iraqi chemical weapons capabilities. We also noted that the assumptions behind the estimate were clearly spelled out in the JIC assessment. But we have also concluded that one consequence was to leave the intelligence community with an estimate for the size of the Iraqi chemical agent stockpile which was over-cautious, and at its upper end worst case. We have also noted that, after May 1991, JIC assessments did not spell out that the figures inside them were calculated on the same worst case basis. There will inevitably have been a risk that that estimate, shorn of its assumptions, may have become the 'prevailing wisdom', with subsequent Iraqi declarations being tested against it for truthfulness, especially in circumstances where intelligence was sparse. If so, that process would have tended to lead to deductions by analysts and policy-makers that there were shortfalls in Iraqi declarations. Furthermore, suspicions here will have been exacerbated by Iraqi prevarication, concealment and deception in the early- and mid-1990s, reinforcing any suspicions that Iraq had substantial stocks to hide.
176. We have also noted, however, that by 1994/95 the JIC was becoming more sanguine about the size of the Iraqi chemical agent stockpile and indeed of the value to Iraq of retaining a stockpile at all. A JIC assessment in September 1994 noted that:

*... we do not believe the full extent of the CW programme has yet been revealed*

but also that:

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<sup>1</sup> Iraq later declared to UNSCOM that, during the entire period of its chemical warfare programme, it produced 3,859 tonnes of chemical agent. Of this quantity, it weaponised 3,315 tonnes, of which about 80% was used during the Iran/Iraq war. UNSCOM was unable to verify this information fully.

*Although UNSCOM has destroyed the large declared stocks of CW agents, precursors and weapons, Iraq may have retained a secret stockpile but we have no direct evidence. Hidden stockpiles are probably unnecessary as the Iraqi civil chemical industry can produce all the precursors needed to make mustard agent and most of those for nerve agents.*

[JIC, 8 September 1994]

177. In the same vein, in August 1995, drawing on evidence provided by Hussein Kamil after his defection, the JIC concluded that:

*We assess [Iraq] may also have hidden some specialised equipment and stocks of precursor chemicals but it is unlikely they have a covert stockpile of weapons or agent in any significant quantity; Hussein Kamil claims there are no remaining stockpiles of agent.*

[JIC, 24 August 1995]

178. The JIC assessed at the same time that Iraq:

*. . . could begin to make chemical weapons within a matter of weeks, and produce significant quantities within months, if UN constraints were removed.*

[JIC, 24 August 1995]

179. That assessment represented the low point in estimates of the size of Iraqi chemical agent stocks. Thereafter, the JIC had growing suspicions and concerns. In an assessment in June 1996, it noted that:

*We doubt that all agents, munitions, precursor chemicals and equipment have been accounted for.*

[JIC, 12 June 1996]

180. In October 1997, the JIC expressed its doubts more strongly:

*Iraq nevertheless remains capable of regenerating a CW capability in a matter of months. We assess that some CW agents, munitions, precursor chemicals and production equipment remain hidden . . .*

[JIC, 8 October 1997]

181. Notwithstanding its overall assessment in February 1998 that:

*UNSCOM and the IAEA have succeeded in destroying or controlling the vast majority of Saddam's 1991 weapons of mass destruction (WMD) capability.*

[JIC, 4 February 1998]

the JIC also later that year repeated its view that:

*. . . some CW agents, munitions, precursor chemicals and production equipment remain hidden.*

[JIC, 24 September 1998]

182. We conclude that the impression left by JIC assessments in the mind of readers at the time of departure of United Nations inspectors will have been of suspicion and concern about Iraq's break-out capability, coupled with possible possession of chemical agent stockpiles, in breach of its United Nations obligations.

## IRAQ'S BIOLOGICAL WEAPONS PROGRAMME

183. A JIC assessment produced in June 1992 included the JIC's judgement that:

*... Iraq retains a potential BW agent production capability and has hidden BW weapons.*

[JIC, 4 June 1992]

184. The JIC reached broadly the same conclusion in two assessments in 1993. As with chemical weapons, however, by 1994/95 the JIC was becoming more sanguine about the size of the biological agent stockpile. In an assessment in September 1994, the JIC noted that:

*There is little need for hidden stockpiles of BW weapons or agents. Small quantities of agent could be quickly and covertly produced ...*

[JIC, 8 September 1994]

185. As with JIC assessments on Iraq's chemical weapons programmes, that judgement represented the low point in assessments of the status of the Iraqi biological weapons programme. Thereafter, following the defection of Hussein Kamil and the Iraqi admission of an extensive biological weapons programme, the JIC had growing concerns that Iraq was concealing biological agent stocks. Thus, in an assessment in June 1996, the JIC noted that:

*We do not believe Iraqi statements that the BW programme has been destroyed. Possibly substantial elements, including some production equipment and weaponised agent, continue to be concealed.*

[JIC, 12 June 1996]

186. We enquired into the reason for this shift in the JIC's view, in the apparent absence of underpinning reliable intelligence. We were told that the changed assessment was based on the impact of Hussein Kamil's defection, UNSCOM's inability to reconcile Iraqi claims for production and destruction, unaccounted-for growth media and a total lack of co-operation from the Iraqis.

187. The JIC included a similar judgement in an assessment in December 1997, which noted that Iraq:

*... may have retained hidden BW production equipment, agent and delivery systems.*

and that it:

*... could, in any event, regenerate a significant offensive BW capability within months ...*

[JIC, 4 December 1997]

188. Thus, as with assessments of Iraq's chemical weapons programme, notwithstanding the JIC's assessment in February 1998 that:

*UNSCOM and the IAEA have succeeded in destroying or controlling the vast majority of Saddam's 1991 weapons of mass destruction (WMD) capability.*

[JIC, 4 February 1998]

the JIC concluded later that year that:

*Some biological warfare (BW) production equipment, stocks of agents and even weapons are probably retained by Iraq.*

[JIC, 24 September 1998]

189. We conclude that the impression left by JIC assessments in the mind of readers at the time of departure of United Nations inspectors will have been of concern about Iraq's break-out capability, coupled with possible biological agent stockpiles, in breach of its United Nations obligations.

## IRAQ'S BALLISTIC MISSILE PROGRAMME

190. As with its assessments on Iraq's chemical weapons programme, JIC assessments on Iraq's ballistic missile capabilities in the period before the first Gulf war were done on what was effectively a worst case basis. The JIC did not make this explicitly clear, although it did caution that:

*There are considerable uncertainties about Iraq's current ballistic missile capability and deployments.*

[JIC, 20 September 1990]

191. Given these uncertainties, the JIC could only provide an estimate which, in September 1990, was that Iraq had a stockpile of "about 700" ballistic missiles. The JIC broke down this figure between the three primary SCUD-based missile systems, concluding that:

*. . . there could be about 300 SCUD-B missiles . . .*

that:

*The Iraqis may have converted some 250 SCUD-B missiles to the longer-range Al Hussein variant.*

and that:

*The second SCUD derivative is the Al-Abbas missile, of which the Iraqis could now have up to 150.*

[JIC, 20 September 1990]

192. In the event, the Al Abbas was probably never deployed operationally, although it underwent a number of flight tests. No Al Abbas missiles were fired in the first Gulf war, and UNSCOM made no mention of them in their Final Report of January 1999. At the time of production of the assessment, there was much uncertainty not only over the number of ballistic missiles available to Iraq but also over the status of the domestically-modified

Scud variants (Al Hussein and Al Abbas). We have been told that Iraq later declared to the United Nations that it had produced 17 Al Abbas and 387 Al Hussein missiles between 1987 and 1990. Thus, if the Iraqi figures are taken at face value, while the JIC paper was approximately correct in its estimate of the overall number of about 400 Scud missile variants produced by Iraq, it was inaccurate in the ratio of production between Al Abbas and Al Hussein. A possible explanatory factor is that the JIC's performance estimate for one of the two versions of the Al Abbas missile was not greatly different from that of the Al Hussein. The episode illuminates, however, the complexities surrounding estimates of Iraqi ballistic missile stocks, against which later JIC estimates should be considered.

193. By contrast to pre-war assessments, JIC assessments prepared in April and May 1991 on the residual Iraqi ballistic missile stockpile did declare explicitly that they had been prepared on a worst case basis and in the absence of any direct intelligence. On the basis of somewhat fewer than 100 Iraqi missile firings during the war, the JIC concluded that Iraq:

*... may have up to 600 left (but probably less), both standard Scud and extended-range variants.*

[JIC, 17 April 1991]

194. On that basis, the JIC said that:

*We cannot be precise, but we are confident that the Iraqis have substantially under-reported the numbers of missiles.*

[JIC, 9 May 1991]

195. As in the chemical and biological weapons fields, we detect a risk here that, by making comparisons with worst case assessments (especially those not declared as such), analysts and policy-makers may have come to conclude that there were shortfalls in Iraqi declarations, with suspicions being exacerbated by Iraqi prevarication, concealment and deception.

196. A further JIC assessment in January 1992 described Iraqi declarations and included a substantial downwards revision in its estimates of Iraq's ballistic missile stockpile. The JIC reported that:

*Although we do not know the true figure, we assess that around 100 Scud B remain concealed.*

[JIC, 16 January 1992]

197. The JIC did not show fully the basis on which it derived that calculation. It has not therefore been possible for us to investigate whether the assumptions that underpinned it might have had an impact on assessments in later years about whether Iraq was concealing ballistic missiles and, if so, how many.

198. The JIC also noted in the same assessment that there might be:

*... as many as 250 complete Soviet built SCUD B guidance and engine packages which cannot be accounted for, and would be critical for future production. Provided the raw material was available, Iraq could build its own replacement mid-body sections and assemble new missiles from this stockpile.*

[JIC, 16 January 1992]

The possibility of Iraq reassembling missiles from hidden components was to be a major feature of JIC estimates of the Iraqi ballistic missile stockpile in the years ahead.

199. JIC assessments in 1992 and 1993 reported on progress on UNSCOM inspections and remaining uncertainties; and included judgements on the ability of the Iraqi regime to resume production of missiles with ranges longer than those permitted under United Nations Security Council Resolution 687. As in the nuclear, biological and chemical weapons fields, the JIC assessment of August 1995 included an analysis of Iraq's residual ballistic missile capabilities, taking into account information provided by Hussein Kamil after his defection. We noted in particular that the JIC recorded that:

*UNSCOM has verified destruction of the declared Scuds (and the Iraqi derivatives) and their launchers and believes it has a satisfactory account of what happened to the rest. UNSCOM has also supervised destruction of components and much of the missile-related infrastructure . . .*

[JIC, 24 August 1995]

200. In the same reassuring vein, the JIC said that:

*We would expect Kamil to know a lot about the missile programme . . . He has also said that all the Scuds and their components have been destroyed . . .*

[JIC, 24 August 1995]

201. The JIC also noted, however, that:

*Iraq will retain a technology and production base because SCR 687 allows it to continue to develop and manufacture missiles with ranges less than 150 km. But intelligence reports that some current missile R&D work is being hidden from UNSCOM inspectors. Iraq has now revealed that it developed domestic Scud-type missile motors. This re-introduces uncertainty into an area where UNSCOM had previously expressed itself to be satisfied.*

[JIC, 24 August 1995]

202. This inherent uncertainty was reflected in the next JIC assessment, in June 1996, in which the JIC said that:

*Information obtained in the wake of the August defection has, however, led UNSCOM to judge that missile components, launchers and possibly complete SCUD missiles remain hidden. We doubt whether there are any concealed missiles in Iraq but it is likely that components remain.*

[JIC, 12 June 1996]

203. The JIC also included an assessment of Iraq's ability to regenerate a longer-range missile capability:

*If all UN controls were to be removed and Iraq could purchase the technology and expertise required to produce a long-range missile, an accurate 1,000km range missile could probably be produced within three to five years. A 300–500km range SCUD type missile could be indigenously manufactured within two years.*

[JIC, 12 June 1996]

204. In the period from 1996 to the withdrawal of United Nations inspectors in December 1998, the JIC continued to assess that, because of the inherent uncertainties, Iraq might retain variously “a small number”, “a handful” or “some” ballistic missiles. While UNSCOM concluded in 1997 that all but two Scud missiles acquired by Iraq from the Soviet Union had been accounted for, this did not cover some other indigenously produced missiles which Iraq claimed to have destroyed. We have observed in this context remarks attributed to Ambassador Ekeus (Executive Chairman of UNSCOM, 1991–1997) that a number of Iraqi missiles, put variously in the range 6–25, remained unaccounted for. We have also noted information from one intelligence source in 1998 suggesting that Iraq retained sufficient complete missiles and components to allow it to assemble up to 16 missiles in total.

205. The JIC’s final assessment before the withdrawal of United Nations inspectors in December 1998 was that:

*We cannot rule out the possibility that Saddam retains a handful of missiles . . . these could be available for use within a matter of weeks or perhaps even days. Provided it still has key components - and that is unclear - Iraq could within a few months build, with little risk of detection, missiles capable of hitting Israel and key targets in Saudi Arabia. If it needs to make or acquire the components, production of such missiles could begin within a year . . .*

[JIC, 24 September 1998]

206. We conclude that the impression left by JIC assessments in the mind of readers at the time of departure of the United Nations inspectors will have been of concern about the ability of Iraq to regenerate a small number of ballistic missiles, either through bringing back into use missiles that had been hidden or by re-assembling missiles from hidden components.

## SUMMARY

207. From our analysis of JIC assessments in this period, we are left with four strong impressions. First, of effective - but not demonstrably complete - work carried out by the IAEA and UNSCOM to supervise the dismantlement of Iraq’s nuclear, biological and chemical weapons programmes, together with those missile programmes prohibited under United Nations Security Council Resolution 687. Secondly, of a progressive reduction in JIC estimates of Iraq’s indigenous capabilities in the period to 1994/95. Thirdly, however, of growing suspicions and concerns underlying JIC assessments between 1995 and 1998 of Iraq’s chemical, biological and ballistic missile capabilities, which were exacerbated and reinforced by Iraqi prevarication, concealment and deception. We detect signs that this context led to the JIC making its estimates of Iraqi capabilities on an over-cautious or worst case basis (not always declared as such).

208. Our fourth impression is of differences in the quality of the assessments carried out by the JIC. We have been impressed by intelligence assessments on Iraq’s nuclear capabilities. They were generally thorough; drew fully on both open and secret material; brought together human and technical intelligence; offered a view where appropriate on the

quality of the underlying intelligence sources; were balanced and measured; identified explicitly those areas where previous assessments had been wrong, and the reasons why, to correct the record; and at each significant stage included consideration of alternative hypotheses and scenarios, and provided an explanation of the consequences were any to arise, to aid readers' understanding.

209. We recognise that assessments in the chemical and biological weapons fields are intrinsically more difficult, and that analysis draws on different intelligence techniques. We are conscious in particular that, because chemical and biological weapons programmes can draw heavily on 'dual use' materials, it is easier for a proliferating state to keep its programmes covert. The intelligence community will also have had in mind that Iraq had used its chemical weapons in the past, and was engaged in a sustained programme to try to deceive United Nations inspectors and to conceal from them evidence of its prohibited programmes. Even so, we have found JIC assessments in these areas less assured. Our impression is that they were less complete, especially in their considerations of alternative hypotheses; used a different 'burden of proof' in testing Iraqi declarations; and hence inclined towards over-cautious or worst case estimates, carrying with them a greater sense of suspicion and an accompanying propensity to disbelieve. We return to this point in our Conclusions.

### 5.3 1998 – MARCH 2002

#### THE POLICY CONTEXT

210. In this Section, we consider the intelligence and the use made of it in the period from the withdrawal of United Nations inspectors in 1998 to early 2002.
211. 1998 was marked by rising tensions between the United Nations and Iraq over the ability of UNSCOM and IAEA inspectors to carry out their work, in particular their ability to carry out inspections at presidential compounds and palaces. We judge that this tension had an impact on the way in which the intelligence community assessed the intelligence available to it, and in particular contributed to the climate of suspicion on which we have remarked in the previous Section.
212. It will also have had an influence on policy-makers, in shaping the overall context within which they read JIC assessments. The Government's policy position at that time was encapsulated in the statement by the Prime Minister to the House of Commons on 24 February 1998 on the most recent crisis over UNSCOM and IAEA inspections. That provides an insight not only into the way in which the Government viewed events in Iraq itself but also the broader context within which policy towards Iraq was made, both then and over the next few years. In his statement in 1998, the Prime Minister said that:

*... This has not been an artificial argument about some theoretical threat, but a reflection of real alarm on the part of UN inspectors about the use of [Presidential compounds] to conceal both evidence and actual weapons ...*

*Saddam began by saying that there could be no access to the sites. Then, under intense pressure, not least from the start of build-up of forces in the Gulf, he*

*eventually agreed that they could be visited once. That was clearly unacceptable, but he refused to move further. Meanwhile, we and the Americans, together with our other allies, continued to make it clear that, if he did not back down, we saw no alternative in the end to the use of force. We made preparations to ensure that we were ready to use force, if absolutely necessary. . . .*

*We should never forget that if we do not stop Saddam Hussein acting in breach of his agreement on weapons of mass destruction, the losers will be not just those threatened by him, but the authority and standing of the UN itself. . . .*

*The Saddam Hussein we face today is the same Saddam Hussein we faced yesterday. He has not changed. He remains an evil, brutal dictator. The only thing that has changed is that he has changed his mind in the face of effective diplomacy and firm willingness to use force. . . .*

*We will not tolerate any repetition of the Iraqi behaviour that has led to this agreement. We are not going to play more elaborate diplomatic games that allow Saddam Hussein to thwart the inspections regime that has now been agreed. . . .*

*Throughout the dispute, our aim has been a peaceful, diplomatic settlement. There was no desire on either side of the Atlantic to use force, but it was also clear to us throughout that Saddam Hussein only understands and respects force. . . .*

*Saddam Hussein has spent seven years playing for time, but has been thwarted by the resolve of the international community. It is now clearer than ever that his games have to stop once and for all. If they do not, the consequences should be clear to all.*

[Hansard, 24 February 1998, Col 173]

213. A joint memorandum submitted by the then Foreign and Defence Secretaries to the Cabinet Ministerial Committee on Defence and Overseas Policy in May 1999 covered future strategy towards Iraq. That paper set out the Government's policy objectives towards Iraq as being:

*. . . in the short term, to reduce the threat Saddam poses to the region, including by eliminating his Weapons of Mass Destruction (WMD) programmes; and, in the longer term, to reintegrate a territorially intact Iraq as a law-abiding member of the international community.*

214. The paper noted that the Government had sought to achieve these aims:

*. . . by a policy of containment, through active support of UNSCOM/IAEA efforts to complete WMD disarmament in Iraq, diplomatic pressure and sanctions, backed by the threat and, as necessary, use of military force.*

215. The paper made judgements on the success of that policy and its longer-term prospects:

*Containment has kept the lid on Saddam. . . . But containment has disadvantages: it does not produce rapid or decisive results; it is resource-intensive, requiring constant diplomatic effort and a significant military presence; and it is not always easy to justify to public opinion, as criticisms of UK/US air strikes and of the humanitarian impact of sanctions has shown.*

216. Following the withdrawal of United Nations inspectors, the paper stressed the importance of an effective, in-country arms control regime:

*An important tool of containment has hitherto been a reasonably effective in-country arms control regime. . . . External controls and sanctions can constrain, though not eradicate, the importation of military and dual-use materials . . . external monitoring has serious limitations . . . and would be less of a constraint on Saddam than an intrusive in-country regime. Moreover, it would be unable to pursue disarmament, and thus offer no realistic prospect of being able to give Iraq a clean bill of health as required by the UNSCRs before sanctions can be lifted.*

217. Finally, the paper, after considering humanitarian and other policy issues, concluded that the policy of containment should be sustained, on the grounds that:

*However difficult it may be to sustain a policy of containment, it is not clear what the alternatives would be. To simply walk away from the problem would be an admission of failure, and leave Saddam free to pose once more a major threat to regional security and British interests. On the other hand, a policy of trying to topple Saddam would command no useful international support. . . .*

*Containment, therefore, remains the only usable option for achieving our policy objectives. If Iraq complied with UNSCRs, we should then lift sanctions. . . . If, on the other hand, Iraq does not co-operate with the UN (let alone comply with the UNSCRs), we face the prospect of indefinite containment from outside Iraq, based on sanctions, external monitoring and control, and the threat of military force if Saddam seeks to threaten his neighbours or reconstitute his WMD capabilities.*

## **IRAQ'S NUCLEAR WEAPONS PROGRAMME**

218. A substantial JIC assessment on Iraq's nuclear weapons capabilities in December 2000 sustained the JIC's prior assessment that:

*Iraq still lacks fissile material and the infrastructure to make it. With trade sanctions but no UN monitoring, we judge that it would be difficult in these circumstances for Iraq to build a nuclear weapon. It would take at least five years, probably longer, and only in the context of evading sanctions and foreign assistance, for Iraq to make such a weapon; . . .*

[JIC, 1 December 2000]

219. The JIC noted, however, that:

*Iraqi entities, some formerly associated with its nuclear programme, seek dual use equipment that could be used in association with a centrifuge programme . . .*

and that:

*Unconfirmed intelligence indicates Iraqi interest in acquiring uranium . . .*

[JIC, 1 December 2000]

220. The intelligence underpinning the latter relates to an Iraqi trade mission to Africa and is covered at Chapter 6; we judge it to have been represented correctly by the JIC in its assessment. We are also satisfied that the JIC reflected fairly the intelligence underpinning its statements about Iraqi attempts at procurement of 'dual use' equipment. The assessment also contained a full options analysis of the impact of the continued application (or otherwise) of United Nations sanctions, and of any resumption of United Nations inspections, on the date by which Iraq could acquire a nuclear device.

221. A further assessment by the JIC of the status of Iraq's nuclear, biological, chemical and ballistic missile programmes in May 2001 signalled a clear change in the JIC's perception. In the first Key Judgement to its assessment, the JIC noted that:

*Our knowledge of developments in Iraq's WMD and ballistic missile programmes since Desert Fox air operations in December 1998 is patchy. But intelligence gives grounds for concern and suggests that Iraq is becoming bolder in conducting activities prohibited by UNSCR 687.*

[JIC, 10 May 2001]

222. The JIC cautioned that, on Iraq's nuclear programme:

*We have no clear intelligence . . .*

[JIC, 10 May 2001]

223. It did, however, include the Key Judgement that:

*There is evidence of increased activity at Iraq's only remaining nuclear facility and a growing number of reports on possible nuclear related procurement. We judge but cannot confirm that Iraq is conducting nuclear related research and development into the enrichment of uranium and could have longer term plans to produce enriched uranium for a weapon. If successful, this could reduce the time needed to develop a nuclear warhead once sanctions were lifted.*

[JIC, 10 May 2001]

224. In support of this Key Judgement, the JIC noted once again Iraqi efforts to acquire items for possible inclusion in a uranium enrichment programme using centrifuges, including 'dual use' items and aluminium tubes. Intelligence and its interpretation on the latter, which became an issue of some controversy, is covered more fully at Chapter 6. The assessment also noted that Iraq had

*. . . recalled its nuclear scientists in 1998.*

[JIC, 10 May 2001]

225. This judgement was based on two human intelligence reports, both from new sources and neither speaking from direct, current experience. Unusually in the nuclear field, we conclude that those reports were given more weight in the JIC assessment than they could reasonably bear.

## **IRAQ'S CHEMICAL WEAPONS PROGRAMME**

226. The JIC produced a further substantial assessment of Iraq's chemical (and biological) weapons programme in April 2000. It started with a warning that:

*Our picture is limited.*

a warning expanded in the body of the paper:

*Since the departure of United Nations Special Commission for Iraq (UNSCOM), in December 1998, our limited picture of Iraqi chemical and biological warfare activities has been further reduced.*

[JIC, 19 April 2000]

227. Nevertheless, it included as the first Key Judgement of the assessment:

*It is likely that Iraq is continuing to develop its offensive chemical warfare (CW) and biological warfare (BW) capabilities.*

[JIC, 19 April 2000]

228. Underpinning this judgement, it noted that:

*After the Gulf War, we know that a large proportion of Iraq's CW capability was destroyed under UNSCOM supervision. But we assess that some was not destroyed.*

and that:

*Iraq could have hidden dual use precursor chemicals, and production equipment, since the Gulf War. Using these we continue to assess that, even with UNMOVIC and other UN controls, Iraq could produce mustard agent within weeks of a decision to do so. Iraq could produce limited quantities of nerve agent within months of such a decision.*

[JIC, 19 April 2000]

229. The JIC also noted:

*. . . continuing Iraqi procurement activities which could be associated with a chemical weapons programme . . .*

that:

*Facilities formerly associated with Iraq's chemical warfare programme at its Habbaniyah I and II sites are being reconstructed.*

and that:

*. . . Iraq is restoring its civil chemical production capability, including pesticides, at one of its former chemical warfare related facilities. We assess that this would help any revival of its CW programme.*

[JIC, 19 April 2000]

230. In contrast to its warning about the limited amount of intelligence on Iraq's nuclear weapons programme, the JIC's assessment in May 2001 noted that it had:

*. . . good intelligence of Iraq's former chemical and biological warfare (CBW) facilities, their limited reconstruction and civil production. Taken together, this suggests a continuing research and development programme.*

[JIC, 10 May 2001]

231. The JIC went on to say:

*We believe that Iraq retains some production equipment, stocks of CW precursors, agent and weapons, . . .*

[JIC, 10 May 2001]

232. It also noted that:

*. . . intelligence of other related CW activity, including possible weaponisation, is less clear.*

[JIC, 10 May 2001]

233. As well as the prior intelligence, described above, these judgements appear to have been based on three main pieces of evidence:

- a. A single report from a new source who reported details of a project three years earlier to integrate the nerve agent VX into rocket artillery warheads and the subsequent filling of 60 warheads.
- b. A further single report from a new source, passing on the comments of a sub-source that he had been part of a project to produce the nerve agent VX in the period to 1998, again three years earlier.
- c. Intelligence pointing to the restoration of a facility formerly used for the production of chemical agent precursors and on shipments to the plant, although there was no positive evidence that precursors had been produced.

234. A further report from a liaison service on the establishment of a group of chemical experts to work on the production of chemical agent using mobile facilities appears to have been discounted by the JIC.

235. We conclude that the JIC reflected these reports fairly in its assessments of the status of Iraq's chemical weapons programme, especially those on the production and weaponisation of the nerve agent VX. The intelligence applied mainly to historical (as opposed to current) activity and, even so, was by no means conclusive.

## **IRAQ'S BIOLOGICAL WEAPONS PROGRAMME**

236. In an assessment of January 1999, in the immediate aftermath of Operation Desert Fox, the JIC reached somewhat firmer judgements than in 1997 on Iraq's biological weapons capabilities. On Iraqi possession of biological agents, the JIC concluded that:

*Following the 1991 Gulf War, Iraq concealed BW production equipment, stocks of agents and perhaps even BW weapons; . . .*

and on Iraqi production capabilities, that:

*. . . Iraq has sufficient expertise, equipment, and materials to produce BW agents within weeks.*

[JIC, 7 January 1999]

237. We were told that the reason for the shortening of timescales in the JIC's judgements about likely biological agent production - from months in earlier JIC assessments to weeks - was intelligence of Iraqi requests for large quantities of growth media. We were told that these were judged to be greatly in excess of Iraq's likely legitimate requirements, on which advice had been sought from medical experts familiar with commercial and hospital requirements for growth media. It is not known if the growth media were actually obtained by Iraq. If they had been, this would have decreased the time needed to produce biological warfare agents.

238. JIC assessments on Iraq's biological warfare capabilities changed once again in its assessment of April 2000. As well as the warning and Key Judgement that:

*Our picture is limited. But it is likely that Iraq is continuing to develop its offensive chemical warfare (CW) and biological warfare (BW) capabilities.*

the JIC also concluded as a Key Judgement that:

*There is clear evidence of continuing Iraqi biological warfare activity, including BW related research and the production of BW agent. Iraq seems to be exploring the use of mobile facilities to give its BW activities greater security. But we have no evidence for Iraq filling weapons with biological agent since the Gulf War.*

and, as before, noted in the main body of the text that:

*We continue to assess that, even without procurement from abroad, Iraq has retained sufficient expertise, equipment and materials to produce BW agents within weeks using its legitimate biotechnology facilities.*

[JIC, 19 April 2000]

239. This firmer assessment was based on two new strands of evidence. The first was intelligence reports on aspects of Iraqi research and development activities in 1997/98. The second, and more significant, was new intelligence from a liaison service<sup>2</sup> received a few days before the production of the JIC assessment on the use by Iraq of mobile facilities to produce biological agent. This intelligence and the judgements drawn from it are described more fully at Chapter 6. We note that the JIC confined itself in the main body of its assessment to saying that:

*Iraq seems to be exploring the use of mobile facilities to give its biological warfare activities greater security.*

[JIC, 19 April 2000]

and to an assessment of the technical feasibility of production of the volumes of biological agent described in the intelligence reporting. We believe that this language was appropriate for a new source whose reporting had not by then been validated, although the Key Judgement was somewhat more firmly expressed than the subsequent analysis in the assessment might bear.

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<sup>2</sup> During the course of our Review, we were told by SIS that, as a result of their post-war validation of intelligence sources, they had concluded that important aspects of the intelligence reports received by them on this issue were incorrect. A fuller description is at Section 5.9.

240. The JIC assessment of May 2001 cautioned that:

*Our picture of Iraq's BW programme is unclear.*

[JIC, 10 May 2001]

241. It went on to record, however, that it had:

*... good intelligence of one facility that could be used to support BW agent production.*

and that:

*Other intelligence which points to the possible research and production of BW agent is unconfirmed. We believe Iraq retains equipment and materials to produce BW.*

*...*

[JIC, 10 May 2001]

242. In support of these judgements, the assessment pointed to additional intelligence on:

*Iraqi attempts to recruit new scientists by people formerly associated with Iraq's BW programme to work on BW related research, including genetic engineering.*

and:

*Evidence of increased activity at a former BW associated plant in Amiriyah.*

[JIC, 10 May 2001]

243. The new intelligence came from human intelligence and imagery. Although the human intelligence was recording events that had taken place some time previously, we conclude that it was fairly reflected by the JIC.

244. Continuing intelligence reports from the liaison service on Iraqi mobile biological agent production facilities had a significant impact on the next JIC assessment, produced in February 2002, which noted that:

*Iraq ... if it has not already done so, could produce significant quantities of BW agent within days. ...*

[JIC, 27 February 2002]

245. We were told that this further shortening of production timescales - from weeks to days - was based on a more thorough understanding of the capabilities of the mobile production facilities, and on refurbishment of an Iraqi facility involved in biological agent production and research before the first Gulf war.

## **IRAQ'S BALLISTIC MISSILE PROGRAMME**

246. A substantial JIC assessment in December 2000 covered Iraqi ballistic missile stocks and indigenous research, development and production capabilities. The JIC sustained its estimate of the late-1990s of the size of residual Iraqi ballistic missile stocks:

*... a handful of ageing SCUD-derived missiles, with a range of up to 650 km, are probably disassembled and concealed. These could be re-assembled quickly and*

*used (albeit with little accuracy) against targets in Kuwait, Saudi Arabia and even Israel; . . .*

[JIC, 1 December 2000]

247. On Iraq's indigenous capabilities, the JIC noted that:

*Iraq has increased the pace and scope of its missile research and development programmes. Series production of the 150 km range Al Samoud could begin within months. A longer range version (up to 200 km) is being worked on. We have no evidence of a revival in the 650 km range Al Hussein missile programme. But according to intelligence, preliminary work is under way on another missile with a possible range of over 700 km; . . .*

[JIC, 1 December 2000]

248. Intelligence supporting the JIC's judgements on Iraqi research and development programmes came from a range of sources, and was in our view substantial.

249. The JIC produced further assessments of Iraq's ballistic missile programme in February 2001 and May 2001. That in February 2001 put for the first time an actual number to the size of the residual Iraqi stockpile of Al Hussein missiles:

*We know that Iraq has retained key components of disassembled 650 km range Al Hussein missiles. Recent intelligence suggests that they may have assembled up to 20 of these missiles.*

[JIC, 9 February 2001]

250. The JIC appears to have based this judgement on its long-standing view, going as far back as the mid-1990s, that Iraq had concealed missile components; and three pieces of human intelligence from three separate sources on Iraqi possession of Al Hussein missiles. One of those sources provided the actual number of "up to 20" missiles being concealed, which was subsequently reflected in all future JIC assessments (and Government statements). That source was in our view in a position to comment authoritatively; and we have established that he reported reliably both before and after that report. But we note that he was passing on the comments of a sub-source, who reported only once. SIS had not, by the time we finished our Review, been able to contact the sub-source to validate the reliability of his reporting.

251. The same assessment also commented further on Iraqi research and development activities, as did the JIC's further assessment in May 2001 on the status of Iraq's nuclear, biological, chemical and ballistic missile programmes. Of those, the JIC clearly felt most confident about the intelligence on Iraq's ballistic missile programmes, leading it to say in a Key Judgement to the assessment that:

*We know most about Iraq's ballistic missile programme. Over the past two years, there has been a step change in progress. In addition to its permitted programmes for missile up to 150 km range, we know that Iraq is developing longer range systems possibly up to 2000km. We have good intelligence on research and development facilities but we do not know where the longer range missiles will be built.*

[JIC, 10 May 2001]

252. On Iraq's shorter-range missile programmes, the JIC noted that:

*We have reliable intelligence of Iraq's current short range ballistic missile programmes . . . there is a growing body of evidence that Iraq intends to develop missiles well beyond its permitted range of 150km. This would represent a step change in Saddam Hussein's military capabilities.*

that:

*. . . [Iraq] appears to have accelerated progress over the past year. This includes:*

*. . .*

- work on extending the range of the Al Samoud missile to 200–300km - production could start within the year;*
- work on a further missile engine test stand with the capacity for much larger engines than the Al Samoud, including SCUD . . .*

and that:

*We assess that within a year Iraq will begin production of Al Samoud and possibly its extended range version. Both could deliver a conventional, chemical or biological warhead.*

[JIC, 10 May 2001]

253. On Iraq's long-range missile programmes, the JIC cautioned that:

*We have intelligence which is less clear on longer term missile objectives.*

but reported on:

*. . . tests on pairs of solid propellant motor cases. These are at a very early stage of development, but if combined in a missile, they could have a range of up to 2000km with a 500kg payload. Developed individually into missiles, using the same payload, they could achieve a range of between 700–1200km.*

although:

*We do not know enough about the possible 2000 km range missile to judge a timescale for its completion.*

[JIC, 10 May 2001]

254. We have examined the intelligence to support these statements and consider the JIC's judgements to be well-founded and properly expressed.

## SUMMARY

255. By early 2002, therefore, readers of JIC assessments will have had an impression of:
- a. The continuing clear strategic intent on the part of the Iraqi regime to pursue its nuclear, biological, chemical and ballistic missile programmes.
  - b. Continuing efforts by the Iraqi regime to sustain and where possible develop its indigenous capabilities, including through procurement of necessary materiel.
  - c. The development, drawing on those capabilities, of Iraq's 'break-out' potential in the chemical, biological and ballistic missile fields, coupled with the proven ability to weaponise onto some delivery systems chemical and biological agent.
256. It is right to remember, too, the international context within which those making and reading the JIC assessments were working. For the small group of policy-makers with access to the most sensitive JIC assessments, there were increasing concerns about proliferation elsewhere, including in the countries and through the networks described at Chapters 2 and 3. Thus, by early 2002, the JIC was concluding that AQ Khan had been marketing components and expertise related to the production of highly enriched uranium, suitable for use in nuclear weapons, for more than a decade; and, worse, that Khan had moved his base outside Pakistan and demand for his products had increased to the extent that he had now established his own production facilities and a network of associates and suppliers. It was also reporting on the evidence found, as a result of military operations in Afghanistan, of Usama bin Laden's efforts to seek unconventional weapons. Finally, senior policy-makers were also pre-occupied with the crisis between India and Pakistan and the nuclear risks which that posed.
257. All of this will have contributed to a strong sense of what one witness called a "creeping tide" of proliferation and growth in the nuclear, biological, chemical and ballistic missile capabilities of countries of concern. The Prime Minister described it to us as follows:

*... what I was getting was a picture of, not that there were extra States necessarily coming into the proliferation and WMD business but that those States that were pushing on this were very determined, they were mainly States that you would not want to have this type of stuff because of their unstable and repressive nature and there were certainly suggestions that the potential link with terrorism, and there was also ... quite a lot of stuff about Bin Laden and his desire to acquire WMD of one sort or another and I was quite often saying ... "what are we actually doing about this" ... there was a lot to make me concerned about this and actually at the first meeting I had with George Bush in February 2001 I raised it with him but ... after September 11th it took on a completely different aspect. ... what changed for me with September 11th was that I thought then you have to change your mindset ... you have to go out and get after the different aspects of this threat ... you have to deal with this because otherwise the threat will grow ... you have to take a stand, you have to say "Right we are not going to allow the development of WMD in breach of the will of the international community to continue".*

258. We consider the shift in UK policy towards Iraq in early 2002, and the Government's subsequent decision to take stronger action to enforce Iraqi disarmament, against that background.

## 5.4 MARCH – SEPTEMBER 2002

### THE POLICY CONTEXT

259. We have described in the previous Section how the Government's thinking developed in the period from 1998 to early-2002. President Bush's 'Axis of Evil' speech of 29 January 2002, supplemented by reporting of comments made by a range of US interlocutors of emerging thinking within the US Administration, and coupled with the sense of a 'creeping tide' of proliferation described at the end of the previous Section, provided the background to inter-departmental advice to Ministers in early March 2002.

260. Officials restated the Government's objectives towards Iraq:

*Within our objectives of preserving peace and stability in the Gulf and ensuring energy security, our current objectives towards Iraq are:*

- *the reintegration of a law-abiding Iraq, which does not possess WMD or threaten its neighbours, into the international community. Implicitly, this cannot occur with Saddam in power; and*
- *hence, as the least worst option, we have supported containment of Iraq, by constraining Saddam's ability to re-arm or build up WMD and to threaten his neighbours.*

*Subsidiary objectives are:*

- *Preserving the territorial integrity of Iraq;*
- *improving the humanitarian situation of the Iraqi people;*
- *protecting the Kurds in northern Iraq;*
- *sustaining UK/US co-operation, including, if necessary, by moderating US policy; and*
- *maintaining the credibility and authority of the Security Council.*

261. They set against those objectives an analysis of whether the policy of containment had worked, drawing heavily on JIC assessments, concluding that:

*Since 1991, the policy of containment has been partially successful:*

- *Sanctions have effectively frozen Iraq's nuclear programme;*
- *Iraq has been prevented from rebuilding its chemical arsenal to pre-Gulf War levels;*
- *Ballistic missile programmes have been severely restricted;*

- *Biological weapons (BW) and Chemical Weapons (CW) programmes have been hindered;*
- *No Fly Zones established over northern and southern Iraq have given some protection to the Kurds and the Shia. Although subject to continuing political pressure, the Kurds remain autonomous; and*
- *Saddam has not succeeded in seriously threatening his neighbours.*

but also that:

*Iraq continues to develop weapons of mass destruction, although our intelligence is poor. Iraq has up to 20 650km range missiles left over from the Gulf War. These are capable of hitting Israel and the Gulf states. Design work for other ballistic missiles over the UN limit of 150km continues. Iraq continues with its BW and CW programmes and, if it has not already done so, could produce significant quantities of BW agents within days and CW agent within weeks of a decision to do so. We believe it could deliver CBW by a variety of means, including in ballistic missile warheads. There are also some indications of a continuing nuclear programme. Saddam has used WMD in the past and could do so again if his regime were threatened.*

262. We consider this part of the advice to be a fair and balanced summary of the most recent JIC assessments.
263. On the basis of that analysis, officials then considered two broad options for securing the objectives set out above - a toughening of the existing containment policy; and regime change by military means. Much of their analysis on those options is not relevant to the scope of our Review. But two aspects are directly related to Iraqi nuclear, biological, chemical and ballistic missile programmes and options for dealing with them.
264. First, in the context of the policy option of toughening containment, the analysis noted amongst other things:
- a. The need for full implementation of all relevant United Nations Security Council resolutions, and the introduction in May 2002 of the Goods Review List, intended to focus sanctions exclusively on preventing shipments of unconventional weapons and other arms while allowing other business without scrutiny, in particular facilitating legitimate Iraqi commerce under the Oil for Food programme.
  - b. That unity amongst members, especially Permanent Members, of the United Nations Security Council would facilitate a specific demand for Iraq to re-admit United Nations inspectors:
 

*Our aim would be to tell Saddam to admit inspectors or face the risk of military action.*
  - c. The need for tougher action against states breaking sanctions.

265. Officials went on to note that:

*The return of UN weapons inspectors would allow greater scrutiny of Iraqi WMD programmes . . . If they found significant evidence of WMD, were expelled or, in face of an ultimatum, not re-admitted in the first place, then this could provide legal justification for large-scale military action . . .*

but cautioned that:

*Saddam is only likely to permit the return of inspectors if he believes the threat of large-scale US military action is imminent and that such concessions would prevent the US from acting decisively. Playing for time, he would then embark on a renewed policy of non co-operation . . .*

and that:

*. . . although containment has held for the past decade, Iraq has progressively increased its international engagement. Even if the [Goods Review List] makes sanctions more sustainable, the sanctions regime could collapse in the long-term.*

266. Secondly, in the context of the policy option of regime change by military means, officials noted that a full opinion would need to be sought from the Government's Law Officers if the policy option were to be taken further. The paper advised that regime change of itself had no basis in international law. It noted the judgement of the JIC that there was no recent evidence of Iraqi complicity with international terrorism, and thus no justification for action against Iraq based on action in self-defence to combat imminent threats of terrorism. It therefore concluded that offensive military action against Iraq could only be justified if Iraq were held to be in breach of United Nations Security Council Resolution 687, which imposed obligations on Iraq in regard to the elimination of its prohibited weapons programmes. It also noted that Resolution 687 did not terminate the authority to use force mandated in Security Council Resolution 678, so that a violation of Resolution 687 could revive the authorisation to use force in Resolution 678.

267. Officials noted, however, that for the five Permanent Members of the Security Council and the majority of the 15 members of the Council to take the view that Iraq was in breach of its obligations under Resolution 687:

- *They would need to be convinced that Iraq was in breach of its obligations regarding WMD, and ballistic missiles. Such proof would need to be incontrovertible and of large-scale activity. Current intelligence is insufficiently robust to meet this criterion . . .*

or

- *If P5 unity could be obtained, Iraq refused to readmit UN inspectors after a clear ultimatum by the UN Security Council.*

or

- *The UN inspectors were re-admitted to Iraq and found sufficient evidence of WMD activity or were again expelled trying to do so.*

268. Officials concluded on the basis of this analysis that:

*In sum, despite the considerable difficulties, the use of overriding force in a ground campaign is the only option that we can be confident will remove Saddam and bring Iraq back into the international community.*

269. We have drawn out from amongst the paper's conclusions four factors in implementing this policy relevant to intelligence and its use, to which the policy-making community returned repeatedly in the following twelve months and to which we therefore return in the rest of this Chapter:

- a. The value of increasing the pressure on the Iraqi regime, through tougher containment, stricter implementation of sanctions and a military build-up.
- b. The importance of the United Nations dimension, in particular getting inspectors back into Iraq, noting that a refusal to admit inspectors, or their admission and subsequent frustration which resulted in an appropriate finding by the Security Council, would provide a basis for military action.
- c. In that context, the justification for any military action in terms of international law. We cover this at Section 5.7.
- d. The importance of presentational activity on Iraq's breaches (and other issues) to persuade other members of the United Nations Security Council as well as domestic audiences of the case for action to enforce disarmament.

## IRAQ'S PROHIBITED PROGRAMMES

270. The JIC produced in parallel a 'status report' on Iraq's nuclear, biological, chemical and ballistic missile programmes. It warned in the text (although not in the Key Judgements) that:

*Intelligence on Iraq's weapons of mass destruction (WMD) and ballistic missile programmes is sporadic and patchy. Iraq is also well practised in the art of deception, such as concealment and exaggeration. A complete picture of the various programmes is therefore difficult. But it is clear that Iraq continues to pursue a policy of acquiring WMD and their delivery means. Intelligence indicates that planning to reconstitute some of its programmes began in 1995. WMD programmes were then given a further boost in 1998 with the withdrawal of UNSCOM inspectors.*

[JIC, 15 March 2002]

271. On Iraq's **nuclear weapons programme**, the JIC noted that:

*Iraq is pursuing a nuclear weapons programme. But it will not be able to indigenously produce a nuclear weapon while sanctions remain in place, unless suitable fissile material is purchased from abroad.*

[JIC, 15 March 2002]

272. Underpinning this assessment, the JIC noted that:

*Although there is very little intelligence we continue to judge that Iraq is pursuing a nuclear weapons programme. We assess the programme to be based on gas centrifuge uranium enrichment . . . . Recent intelligence indicates that nuclear scientists were recalled to work on a nuclear programme in the autumn of 1998, but we do not know if large scale development work has yet recommenced. Procurement of dual-use items over the past few years could be used in a uranium enrichment programme.*

[JIC, 15 March 2002]

273. Overall, the JIC judged that:

*. . . while sanctions remain effective, Iraq cannot indigenously develop and produce nuclear weapons; if sanctions were removed or became ineffective, it would take at least five years to produce a nuclear weapon. This timescale would shorten if fissile material was acquired from abroad.*

[JIC, 15 March 2002]

274. On Iraq's **chemical weapons programme**, the JIC reported in Key Judgements to its assessment that:

*Iraq may retain some stocks of chemical agents.*

and that:

*Following a decision to do so, Iraq could produce:*

- *significant quantities of mustard within weeks;*
- *significant quantities of sarin and VX within months, and in the case of VX may have already done so.*

[JIC, 15 March 2002]

275. Underpinning these judgements, the JIC said that:

*We continue to judge that Iraq has an offensive chemical warfare (CW) programme, although there is very little intelligence relating to it. From the evidence available to us, we believe Iraq retains some production equipment, and some small stocks of CW agent precursors, and may have hidden small quantities of agents and weapons. Anomalies in Iraqi declarations to UNSCOM suggest stocks could be much larger.*

[JIC, 15 March 2002]

276. We conclude that this assessment reflects fairly the intelligence position on Iraq's chemical weapons programme prior to the receipt of new intelligence (described below) in summer 2002, which was considered substantial at the time (although some has subsequently been withdrawn and doubt cast on some of the rest). We note that the JIC said that it had very little intelligence in this area. We also note the way in which, through the use of the word 'may', the JIC reflected previous intelligence reports on Iraqi

production and weaponisation of chemical agent, although we believe the position is best described by a DIS commentary at the time:

*Since 1998, there have been numerous claims that Iraq has continued to weaponise agent, but much of the reporting has come from dubious sources and that worth closer examination has lacked collateral and remains unsubstantiated.*

277. On Iraq's **biological weapons programme**, the JIC sustained its prior judgement that:

*Iraq currently has available, either from pre Gulf War stocks or more recent production, a number of biological agents. Iraq could produce more of these biological agents within days.*

[JIC, 15 March 2002]

278. Underpinning this judgement, the JIC reported that:

*BW work continued throughout the period of UNSCOM inspections and intelligence indicates that this programme continues. Key figures from the pre-Gulf War programme are reported to be involved. Research and development is assessed to continue under cover of a number of legitimate institutes and possibly in a number of covert facilities . . . There is no intelligence on any BW agent production facilities but one source indicates that Iraq may have developed mobile production facilities.*

[JIC, 15 March 2002]

279. On Iraq's ballistic missile capabilities, the JIC sustained its previous judgement that:

*Iraq retains up to 20 Al Hussein ballistic missiles . . .*

noting that:

*The location and condition of these is unknown, but there is sufficient engineering expertise to make them operational.*

[JIC, 15 March 2002]

280. The JIC also commented on the programme to extend the range of the Al Samoud missile beyond limits set by the United Nations:

*Iraq has reportedly succeeded in developing a number of 200km range variants of Al Samoud, although it is unclear if these are for operational use or research and development for longer-range systems.*

[JIC, 15 March 2002]

281. On the longer-range systems themselves, and Iraq's indigenous capabilities, the JIC said that:

*Iraq has rebuilt much of the military production infrastructure associated with the missile programme damaged in the Gulf War and the few high profile sites targeted in Operation Desert Fox in 1998. New infrastructure is being built, with a particular focus on improving the support to the solid propellant missile programme.*

and that:

*Iraq is seeking to develop new, larger liquid and solid propellant missiles, contrary to UN limits. Recent intelligence indicates personnel associated with the Al Samoud programme have now been tasked to concentrate on designing liquid propellant systems with ranges of 2000–3000km. New intelligence indicates the main focus may be on the development of a SCUD derivative, which we judge has an intended range of around 1200km . . . Providing sanctions remain effective, Iraq is unlikely to be able to produce a longer-range missile before 2007.*

[JIC, 15 March 2002]

We have examined the intelligence underpinning these judgements and on missile development found it substantial.

## **POLICY DEVELOPMENT, APRIL-AUGUST 2002**

282. The inter-departmental advice and JIC assessment we have described above formed part of the background for the Prime Minister's meeting with President Bush at Crawford on 6–7 April 2002. Policy advice was not influenced so much by changing intelligence on Iraq as by two other factors which reinforced each other.

283. One was a general concern about proliferation and the intelligence becoming available about the AQ Khan network, and what this added to the concerns already felt about North Korea, Libya and Iran as well as Iraq - the sense of a '*creeping tide*' we discuss above. The second was the absence of physical inspection of Iraqi programmes and activities following the withdrawal of United Nations inspectors in 1998 and fears about what the Iraqi regime might be able to achieve in terms of building up its prohibited weapons programmes if left unchecked.

284. Both those were increased by the heightened sensitivity following the terrorist attack on the World Trade Center and the changed 'calculus of threat' we describe at Chapter 3 - the desire of terrorists and extremists to cause casualties on a massive scale, undeterred by the fear of alienating the public or their supporters, or by considerations of personal survival. The Prime Minister confirmed to us that his position was accurately represented by a statement in one of the policy papers that:

*What has changed is not the pace of Saddam Hussein's WMD programmes but our tolerance of them post 11 September.*

285. We have also noted that departments and agencies saw the direct challenges to British interests caused by the proliferation activities of states other than Iraq as being more serious. But it is clear from the papers we have seen and from the evidence we have heard from witnesses that the Government, as well as being influenced by the concerns of the US Government, saw a need for immediate action on Iraq because of the wider historical and international context, especially Iraq's perceived continuing challenge to the authority of the United Nations. It also saw in the United Nations and a decade of Security Council Resolutions calling for Iraqi disarmament a basis for taking action to enforce Iraqi disarmament. The Prime Minister said to us on this that:

*. . . the place to start was Iraq because you have the history of the United Nations Resolutions and you have the . . . fact that we'd taken action in respect of WMD in*

*the aftermath of the Gulf War, then again in 1998, the fact that he had actually used chemical weapons . . . my view was and still is that you have to take a stand, you have to say "Right we are not going to allow the development of WMD in breach of the will of the international community to continue" . . .*

and:

*Now you have different strategies for different countries. In respect of Iraq it's going back to where we were before the inspectors were kicked out . . .*

286. The papers show that, of the four continuing themes set out at paragraph 269 above, sustaining the pressure on the Iraqi regime and the need for effective presentational activity were discussed between the Prime Minister and President Bush at Crawford; and the Prime Minister reverted to the need to get United Nations inspectors back into Iraq in his speech on 7 April following those discussions:

*. . . the moment for decision on how to act is not yet with us. But to allow WMD to be developed by a state like Iraq without let or hindrance would be grossly to ignore the lessons of September 11 and we will not do it. The message to Saddam is clear: he has to let the inspectors back in, anyone, any time, any place that the international community demands.*

[Prime Minister, George Bush Senior Presidential Library, 7 April 2002]

287. The next key stage was a meeting on 23 July chaired by the Prime Minister with those Ministers and officials primarily involved in UK policy formulation and military contingency planning. This meeting considered, on the basis of a briefing from the Chairman of the JIC, the current intelligence assessment of Iraq's nuclear, biological, chemical and ballistic missile programmes, noting that Iraqi capabilities were smaller in scale than those of other states of concern. The meeting discussed the re-engagement of United Nations inspectors, against the background of intelligence advice that the Iraqi regime would allow inspectors into Iraq only when the threat of military action was thought to be real. It also commissioned work on legal issues.
288. The role of the United Nations - in building an international consensus on the need for action to tackle Iraq's prohibited weapons programmes; in the re-engagement of inspectors to investigate the extent and scale of those programmes; and ultimately in providing legitimacy for any military action to enforce disarmament - was discussed further at a meeting between the Foreign Secretary and Secretary of State Powell at a meeting at the Hamptons, New York, on 20 August 2002, and between the Prime Minister and the President at Camp David on 7 September 2002. It is clear from the departmental papers we have seen that the UK championed the role of the United Nations at that meeting.

## **JIC ASSESSMENTS, AUGUST-SEPTEMBER 2002**

289. It is clear to us from departmental papers and from the evidence we have heard that the Government became increasingly concerned in August and early September 2002 about the nature of the media debate in the UK (stimulated by the media debate in the US). The

Prime Minister described to us his impression of a growing media picture of military action being imminent, and of a growing clamour for information from the media and from Parliamentarians about why the Government thought that military action was necessary. That led him to conclude that there was a need to put fuller information about Iraq's nuclear, biological, chemical and ballistic missile programmes into the public domain:

*... I remember that during the course ... of July and August ... I was increasingly getting messages saying ... "are you about to go to war?" and I was thinking "this is ridiculous" and so I remember towards the end of the holiday actually phoning Bush and saying that we have got to put this in the right place straight away ... we've not decided on military action ... he was in absolute agreement ... So we devised the strategy, and this was really the purpose of Camp David ... where we would go down the UN route and ... the purpose of the dossier was simply to say "this is why we think this is important because here is the intelligence that means that this is not a fanciful view on our part, there is a real issue here" ... there was a tremendous clamour coming for it and I think a clamour to the extent that had we resisted it would have become completely impossible.*

290. The dossier was commissioned on 3 September. Its preparation was informed by the existing body of JIC assessments; by drafts covering various aspects of Iraq's programmes which had been prepared for possible publication during the Spring and Summer; by JIC assessments on Iraq's nuclear, biological, chemical and ballistic missile programmes produced before the summer break; and also by two further JIC papers published on 21 August on "Saddam's Diplomatic and Military Options" and on 9 September on "Iraqi use of Chemical and Biological Weapons – Possible Scenarios".
291. The JIC assessment of 21 August was prepared at the request of the Ministry of Defence, to:

*... consider what diplomatic options Saddam has to deter, avert or limit the scope and effectiveness of a US-led attack [and] ... his military options for facing a US-led attack.*

[JIC, 21 August 2002]

292. The Key Judgements of that assessment would rightly have been prepared on a precautionary basis. Perhaps for that reason, we have observed that, when set against intelligence on Iraqi programmes contained in advice to Ministers in March, the JIC assessment reflected more firmly the premise that Iraq had chemical and biological weapons and would use them in war. Underpinning this must have been a presumption that, if Iraq did not have stocks of those weapons, it would quickly produce agent, weaponise it and deploy weapons to units. We have noted, for example, the JIC's judgements in this context that:

*We judge that Saddam would probably order missile attacks on Israel and the coalition early on in a conflict in an attempt to attract Israeli retaliation and thus widen the war, split the coalition and arouse popular opinion in the Arab states. Such missiles could be armed with chemical or biological warfare (CBW) agents.*

that:

*Although we have little intelligence on Iraq's CBW doctrine, and know little about Iraq's CBW work since late 1998, we judge it likely that Saddam would order the use of CBW against coalition forces at some point, probably after coalition attacks had begun. Iraqi CBW use would become increasingly likely the closer coalition forces came to Baghdad. Military targets might include troop concentrations or important fixed targets in rear areas such as ports and airfields.*

and that:

*Should he feel his fate is sealed, Saddam's judgement might change to 'bring the temple down' on his enemies no matter what the cost to the country as a whole. We judge that at this stage, Saddam would order the unrestrained use of CBW against coalition forces, supporting regional states and Israel, although he would face practical problems of command and control, the loyalty of his commanders, logistics problems and the availability of chemical or biological agents in sufficient quantities to be effective and the means to deliver them.*

[JIC, 21 August 2002]

293. We were told that the JIC's conclusions were based in part on one human intelligence report from one source, but mainly on the JIC's own judgements. They thus represent an insight into the views of JIC members of Iraq's chemical and biological weapons capabilities at that time.

294. The JIC assessment of 9 September also focused on Iraq's use of chemical and biological weapons (indeed, although issued later, it was prepared in parallel with the assessment of 21 August). Its tone was set by its first Key Judgement, which reflected a significant change from previous JIC judgements on Iraqi possession of chemical and biological weapons:

*Iraq has a chemical and biological weapons capability and Saddam is prepared to use it.*

[JIC, 9 September 2002]

295. The paper recorded that:

*Recent intelligence casts light on Iraq's holdings of weapons of mass destruction and on its doctrine for using them.*

[JIC, 9 September 2002]

but warned that, nevertheless:

*Intelligence remains limited and Saddam's own unpredictability complicates judgements about Iraqi use of these weapons. Much of this paper is necessarily based on judgement and assessment.*

[JIC, 9 September 2002]

296. It then went on to judge that:

*Iraq currently has available, either from pre Gulf War stocks or more recent production, a number of biological warfare (BW) and chemical warfare (CW) agents and weapons; . . .*

to note that:

*Other recent intelligence indicates that production of chemical and biological weapons is taking place; . . .*

and that:

*Iraq may have other toxins, chemical and biological agents that we do not know about.*

[JIC, 9 September 2002]

297. On Iraq's chemical weapons capabilities, the JIC sustained its earlier judgement that:

*. . . following a decision to do so, Iraq could produce significant quantities of mustard agent within weeks; significant quantities of the nerve agents sarin and VX within months (and in the case of VX may already have done so).*

[JIC, 9 September 2002]

298. On Iraq's biological weapons capabilities, the JIC sustained its earlier judgement that:

*Iraq could produce more biological agents within days.*

[JIC, 9 September 2002]

299. On delivery means, the JIC sustained its earlier judgement that:

*. . . Iraq retains up to 20 Al Husseins . . .*

[JIC, 9 September 2002]

300. The more definite judgements inside the assessment were based on the receipt of significant new intelligence in August and September 2002, in response to the routine requirement on SIS to obtain information to support the drafting of JIC assessments (and which in this case supported the drafting of the Government's dossier). Four reports were received in total, from three sources, which were influential in the JIC's assessment.

301. The first provided material from a range of original informants reporting via an intermediary to the source<sup>3</sup>. We have noted, however, that the individual items from the informants did not confirm directly that Iraq had chemical weapons. They came from senior Iraqi officials who were believed at the time to have direct knowledge of Iraq's intentions, use, deployment or concealment of chemical weapons, but were based for most of the informants on an assumption (not direct knowledge) that Iraq had such weapons.

302. The second and third were from a source who had previously reported reliably and who continued to do so in the following months. This source, too, could not confirm from direct experience that Iraq had chemical weapons, resting on reporting "common knowledge" within his circle that chemical agent production was taking place. The second report from this source seems to us to duplicate much of the first.

303. The fourth was a single report, from a reliable and established source reporting a new sub-source who did not subsequently provide any further reporting, which was described as

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<sup>3</sup> We were told by SIS during the course of our Review that there is now doubt about the reliability of this reporting chain and hence of the reports derived from it. Section 5.9 provides further detail.

“*confirming*” the intelligence on Iraqi mobile biological agent production facilities received from the liaison service. Contrary to the JIC view at the time, we believe that this report would have been more accurately described as “*complementary*” to, rather than “*confirming*”, it<sup>4</sup>.

304. The JIC made clear that much of the assessment was based on its own judgement, drawing on the work done for its assessment of 21 August. But we were struck by the relative thinness of the intelligence base supporting the greater firmness of the JIC’s judgements on Iraqi production and possession of chemical and biological weapons, especially the inferential nature of much of it. We also noted that the JIC did not reflect in its assessment, even if only to dismiss it, material in one of those reports suggesting that most members of the Iraqi leadership were not convinced that it would be possible to use chemical and biological weapons.
305. One further intelligence report which has been described to us as being significant was received between the production of the JIC’s assessment of 9 September and the publication of the Government’s dossier. This source<sup>5</sup> reported that production of biological and chemical agent had been accelerated by the Iraqi regime, including through the building of further facilities throughout Iraq.
306. By mid-September 2002, therefore, readers of JIC assessments will have had an impression of continuity with, but also some change from, the JIC assessment of 15 March:
  - a. The continuing clear strategic intent on the part of the Iraqi regime to pursue its nuclear, biological, chemical and ballistic missile programmes.
  - b. Continuing efforts by the Iraqi regime to sustain and where possible develop its indigenous capabilities.
  - c. The apparent considerable development, drawing on these capabilities, of Iraq’s ‘break-out’ potential. Although Iraq’s nuclear programme continued to be constrained, there was strong evidence of continuing work on ballistic missiles, including the development and production of systems with ranges in excess of limits set by the United Nations. There was also evidence from one source, supported by one complementary report, of Iraq having the ability to produce biological agent in mobile facilities, and additional evidence of activity at one site formerly associated with Iraq’s biological warfare programme. Finally, there were recent intelligence reports, albeit mainly inferential, that Iraq was producing chemical agent. For analysts, intelligence on Iraqi production of biological and chemical agent would have been put alongside Iraq’s proven ability to weaponise agent onto at least some delivery systems, and separate intelligence reports on Saddam Hussein’s intention to use chemical and biological weapons if attacked.

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<sup>4</sup> Chapter 1 sets out our view of the difference.

<sup>5</sup> Reporting from this source was withdrawn by SIS in July 2003 as being unreliable. See Section 5.9.

307. We consider the Government's dossier against this background.

## 5.5 THE GOVERNMENT'S DOSSIER OF SEPTEMBER 2002

### INTRODUCTION

308. The Government's dossier on *Iraq's Weapons of Mass Destruction*, published on 24 September 2002, had antecedents, including the information made public<sup>6</sup> in October 2001 on Al Qaida's responsibility for the attacks of 11 September. But it broke new ground in three ways:

- a. The JIC had never previously produced a public document.
- b. No Government case for any international action had previously been made to the British public through explicitly drawing on a JIC publication.
- c. The authority of the British intelligence community, and of the JIC in particular, had never been used in such a public way. As the Prime Minister said in his Foreword to the dossier:

*It is unprecedented for the Government to publish this kind of document.*

309. We return below to the Government's reasons for publishing the dossier, and for drawing on intelligence material and the authority of the JIC in doing so, in response to growing Parliamentary and media debate about the imminence of war and questioning of the reasons for it.

310. It is, however, fair to say at the outset that the dossier attracted more attention after the war than it had done before it. When first published, it was regarded as cautious, and even dull. Some of the attention that it eventually received was the product of controversy over the Government's further dossier of February 2003. Some of it arose over subsequent allegations that the intelligence in the September dossier had knowingly been embellished, and hence over the good faith of the Government. Lord Hutton dismissed those allegations. We should record that we, too, have seen no evidence that would support any such allegations.

311. The September dossier also subsequently attracted attention because of the fact that, contrary to the expectation reflected in it, military forces entering Iraq did not find significant stocks of chemical or biological weapons or evidence of recent production of such weapons. We therefore consider here the genesis of the document, the challenge of presenting intelligence judgements effectively to the general public and the extent to which intelligence on particular areas of Iraqi activity was accurately reflected in the dossier.

312. A number of specific elements in the dossier have subsequently attracted controversy. We examine the most prominent of these - the '45-minute' claim, uranium procurement activity in Africa, procurement of aluminium tubes and mobile biological agent production facilities – in Chapter 6.

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<sup>6</sup> "Responsibility for the Terrorist Atrocities in the United States, 11 September 2001".

## THE GENESIS OF THE DOSSIER

313. The dossier had its origins early in 2002 in an analysis of the threat posed by Iraq and three other countries known to be pursuing nuclear, chemical, biological and ballistic missile programmes. Work on this 'Four Country' analysis was dropped in the course of 2002 in favour of a document dedicated to Iraq alone for which a range of material had been produced. It was intended to inform public understanding of the case for stronger action (although not necessarily military action) to enforce Iraqi compliance with its obligations contained in United Nations Security Council resolutions over more than a decade. The timing of publication of the dossier was driven by concern within the Government over increasing media speculation in the UK (stimulated by media debate in the US) during the summer of 2002 that war was imminent, and growing questioning of the reasons for the UK going to war, which contributed to the decision to recall Parliament on 24 September to debate policy towards Iraq. The Prime Minister told us that:

*... in the course of July and August ... I was increasingly getting messages saying ... "are you about to go to war?" ... I was thinking this is ridiculous ... we've not decided on military action, we've not decided on what we're going to do ... and the purpose of the dossier was simply to say "this is why we think this is important ... here is the intelligence that means that this is not a fanciful view on our part, there is a real issue here" ... there was a tremendous clamour coming for it and I think a clamour to the extent that had we resisted it would have become completely impossible.*

314. The dossier was commissioned by the Prime Minister on 3 September. The timescale for its production was accelerated so that it would be ready when Parliament was recalled on 24 September.
315. We have considered carefully whether the dossier was explicitly intended to make a case for war. We have seen no evidence that this was the Government's purpose. The dossier was a broadly-based document which could support a range of policy options. The Foreign Secretary told us that:

*... there was a clear understanding by Government about the purpose of the document, which is that it was to meet the demand for intelligence-based information about Iraq and to make a case for the world to recognise the importance of the issue and hopefully to galvanise the international community into taking it seriously.*

316. The Defence Secretary said in evidence to us:

*... if we were going to be able to make out a case for war against Iraq, we were going to have to publish the material. Of course we published the material if you recall in relation to Afghanistan for the same reason. ... otherwise we would have just faced day in and day out a constant complaint that we had no basis, that we had no proper reason.*

317. When we asked Dr Hans Blix if he saw the dossier as making a case for war, he said:

*No it was not. I saw it as a case for inspection ...*

318. Members of the JIC from whom we took evidence consistently told us that they did not see the dossier as making a case for anything. The Chairman of the JIC (Mr John Scarlett) said to Lord Hutton's Inquiry:

*As far as I was concerned, this was an objective which was a very worthwhile objective if quite a difficult one; and it was to put into the public domain and to share, as far as it could be done safely, the intelligence assessment on this issue which was being provided to the Prime Minister and the Government. It was no more or less than that. And in no sense, in my mind, or in the mind of the JIC, was it a document designed to make a case for anything.*

319. We conclude that the dossier was not intended to make the case for a particular course of action in relation to Iraq. It was intended by the Government to promote domestic and international understanding of, and gain support for, the general direction in which Government policy had been moving since the early months of 2002, away from containment to a more proactive approach to enforcing Iraqi disarmament.

## PRESENTING INTELLIGENCE TO THE PUBLIC

320. Once a decision had been taken to publish such a document, and to draw on intelligence in doing so, the question of authorship arose. The Security and Intelligence Co-ordinator (Sir David Omand) and the Chairman of the JIC took the view that the JIC should be responsible for the production of the dossier, to ensure that its content properly reflected the judgements of the intelligence community and did not prejudice national security. This was agreed at the outset. From then on, the dossier was in the ownership of the JIC generally and of its Chairman in particular, drawing on the members of the Assessments Staff and the wider intelligence community who had drafted the classified JIC assessments on this subject.
321. Many witnesses, both Ministers and officials, put it to us that there was no real alternative to the JIC taking on this role. In the view of these witnesses, a Government document that claimed to be underpinned by intelligence would have been met with immediate scepticism unless it was evident that the JIC had endorsed its content.
322. Against this, it may be said that the information published by the Government on Al Qaida's responsibility for the attacks of 11 September 2001 was put out without any public reference to the JIC. There was no conspicuous pressure on that occasion for the JIC to make its own view public. However, nor was there on that issue as much controversy and scepticism about the grounds for the Government's policy.
323. The advantage to the Government of associating the JIC's name with the dossier was the badge of objectivity that it brought with it and the credibility which this would give to the document. We have noted that Mr Alastair Campbell said in his minute to the Chairman of the JIC on 9 September, following a meeting to discuss the drafting of the dossier:

*The first point is that this must be, and be seen to be, the work of you and your team, and that its credibility depends fundamentally on that.*

324. As the Prime Minister noted in his statement in the House of Commons on 24 September:

*The dossier is based on the work of the British Joint Intelligence Committee . . . Normally, its work is obviously secret. Unusually, because it is important that we explain our concerns about Saddam to the British people, we have decided to disclose its assessments.*

[Hansard, 24 September 2002, Col 3]

325. We record above the Foreign Secretary's evidence to us that the Government's understanding of the purpose of the dossier was that it was to:

*. . . meet the demand for intelligence-based information about Iraq . . .*

and to:

*. . . make a case for the world to recognise the importance of the issue and hopefully to galvanise the international community into taking it seriously.*

326. As we also record above, the Chairman of the JIC, too, saw its purpose as informing public debate by putting:

*. . . into the public domain . . . the intelligence assessment on this issue . . .*

but not as making a case:

*. . . in no sense, in my mind or that of the JIC, was it a document designed to make a case for anything.*

327. The Government wanted a document on which it could draw in its *advocacy* of its policy. The JIC sought to offer a dispassionate *assessment* of intelligence and other material on Iraqi nuclear, biological, chemical and ballistic missile programmes. The JIC, with commendable motives, took responsibility for the dossier in order that its content should properly reflect the judgements of the intelligence community. They did their utmost to ensure that this standard was met. But this will have put strain on them in seeking to maintain their normal standards of neutral and objective assessment. Intelligence assessment is necessarily based heavily on judgement, relying on such material as intelligence has provided. It is not simply a matter of reporting this material but of presenting the judgements which flow from it to an experienced readership. Explaining those judgements to a wider public audience is a very different and difficult presentational task.

## THE INTELLIGENCE BEHIND THE DOSSIER

328. As the Intelligence and Security Committee noted in its report<sup>7</sup> in September 2003:

*The dossier was founded on the assessments then available.*

329. In this Section we examine the way in which judgements in JIC assessments prepared during 2002 were translated into the dossier. We are acutely aware of the danger of being unfair through selective quotation. The dossier did not follow the format of JIC assessments exactly, nor should it have done so. It was written for a different purpose and

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<sup>7</sup> "Iraqi Weapons of Mass Destruction - Intelligence and Assessments." Cm 5972. September 2003.

a different audience. Furthermore, to be comprehensive it brought together the key parts of a number of past JIC assessments, together with some intelligence that had not featured in JIC assessments, about Iraq's nuclear, biological, chemical and ballistic missile programmes. It is as a result difficult to make a direct comparison between judgements in any one JIC paper and the language in the dossier. We are therefore publishing, at Annex B, substantial extracts from three key JIC assessments issued in 2002 alongside relevant extracts from the Government's dossier, the Prime Minister's Foreword and his accompanying statement to the House of Commons so that readers can check our judgements and reach their own conclusions.

330. We have noted that the JIC assessment of 9 September exercised considerable influence over the dossier, which was being prepared almost in parallel. That assessment was written to inform military and other contingency planning, and examined a range of possible scenarios in which chemical and biological weapons might be used by Iraq. But these precautionary JIC judgements about the scenarios (as was right for a document to inform military planning) were subsequently taken up into the dossier, and were taken up in an abbreviated form in which points were run together and caveats on the intelligence were dropped. The most significant difference was the omission of the warnings included in JIC assessments about the limited intelligence base on which some aspects of those assessments were being made. We set out below the warnings on this point from JIC assessments between March and September 2002 (in the left-hand column) against extracts from the dossier (in the right-hand column) addressing the size and quality of the intelligence base:

Quotations from JIC Assessments	Quotations from the dossier
<p><b>“Iraqi Use of Chemical and Biological Weapons – Possible Scenarios” (9 September 2002)</b></p> <p><i>Recent intelligence casts light on Iraq’s holdings of weapons of mass destruction and on its doctrine for using them. Intelligence remains limited and Saddam’s own unpredictability complicates judgements about Iraqi use of these weapons. Much of this paper is necessarily based on judgement and assessment.</i></p> <p><b>“Iraq; Saddam’s Diplomatic and Military Options” (21 August 2002)</b></p> <p><i>. . . we have little intelligence on Iraq’s CBW doctrine, and know little about Iraq’s CBW work since late 1998 . . .</i></p> <p><b>“The Status of Iraqi WMD Programmes” (15 March 2002)</b></p> <p><i>Intelligence on Iraq’s weapons of mass destruction (WMD) and ballistic missile programmes is sporadic and patchy. Iraq is also well practised in the art of deception, such as concealment and exaggeration. A complete picture of the various programmes is therefore difficult. But it is clear that Iraq continues to pursue a policy of acquiring WMD and their delivery means.</i></p>	<p><i>As well as the public evidence, however, significant additional information is available to the Government from secret intelligence sources, described in more detail in this paper. This intelligence cannot tell us about everything. However, it provides a fuller picture of Iraqi plans and capabilities.</i></p> <p><i>Intelligence rarely offers a complete account of activities which are designed to remain concealed. The nature of Saddam’s regime makes Iraq a difficult target for the intelligence services. Intelligence, however, has provided important insights into Iraqi programmes and Iraqi military thinking. Taken together with what is already known from other sources, this intelligence builds our understanding of Iraq’s capabilities and adds significantly to the analysis already in the public domain. But intelligence sources need to be protected, and this limits the detail that can be made available.</i></p> <p><i>Part 1 of this paper includes some of the most significant views reached by the JIC between 1999 and 2002.</i></p>

331. The ISC has observed<sup>8</sup> that the 9 September assessment:

*... did not highlight in the key judgements the uncertainties and gaps in the UK's knowledge about the Iraqi biological and chemical weapons.*

The same was true of the 21 August and 15 March assessments. In each paper, a description of the limitations of the intelligence underlying some aspects of those assessments was given in the body of each paper. Experienced readers would have seen these warnings in the original JIC assessments and taken them into account in reading them. But the public, through reading the dossier, would not have known of them. The dossier did include a first chapter on the role of intelligence, as an introduction for the lay reader. But, rather than illuminating the limitations of intelligence either in the case of Iraq or more generally<sup>9</sup>, the language in that Chapter may have had the opposite effect on readers. Readers may, for example, have read language in the dossier about the impossibility for security reasons of putting all the detail of the intelligence into the public domain as implying that there was fuller and firmer intelligence behind the judgements than was the case: our view, having reviewed all of the material, is that judgements in the dossier went to (although not beyond) the outer limits of the intelligence available. The Prime Minister's description, in his statement to the House of Commons on the day of publication of the dossier, of the picture painted by the intelligence services in the dossier as "*extensive, detailed and authoritative*" may have reinforced this impression.

332. We believe that it was a serious weakness that the JIC's warnings on the limitations of the intelligence underlying some of its judgements were not made sufficiently clear in the dossier.

## THE ACCURACY OF THE DOSSIER

333. In general, subject to the points below and others identified in Chapter 6, the statements in the dossier reflected fairly the judgements of past JIC assessments. In the tables in the paragraphs below, quotations from JIC assessments are set out in the left-hand column and from the dossier are set out in the right-hand column.

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<sup>8</sup> "Iraqi Weapons of Mass Destruction - Intelligence and Assessments". Cm 5972. September 2003.

<sup>9</sup> See, for example, the section on this subject at Chapter 1 of this Report.

334. Regime intent:

Quotations from JIC Assessments	Quotations from the dossier
<p><i>Saddam attaches great importance to having CBW, is committed to using CBW if he can and is aware of the implications of doing so. Saddam wants it to dominate his neighbours and deter his enemies who he considers are unimpressed by his weakened conventional military capability.</i></p> <p>[9 September]</p>	<p><i>Saddam continues to attach great importance to the possession of weapons of mass destruction and ballistic missiles which he regards as being the basis for Iraq's regional power. He is determined to retain these capabilities.</i></p> <p>[Chapter 3, paragraph 1]</p>
<p><i>Iraq has a chemical and biological weapons capability and Saddam is prepared to use it.</i></p> <p>[9 September]</p>	<p><i>It [the intelligence] shows that he does not regard them only as weapons of last resort.</i></p> <p>[Executive Summary, paragraph 4]</p>
<p><i>Faced with the likelihood of military defeat and being removed from power, Saddam is unlikely to be deterred from using chemical and biological weapons by any diplomatic or military means.</i></p> <p>[9 September]</p>	
<p><i>The use of chemical and biological weapons prior to any military attack would boost support for US-led action and is unlikely.</i></p> <p>[9 September]</p>	
<p><i>Intelligence indicates that Saddam has identified Bahrain, Jordan, Qatar, Israel, Kuwait as targets. Turkey could also be at risk.</i></p> <p>[9 September]</p>	<p><i>Iraq possesses extended-range versions of the SCUD ballistic missile in breach of UNSCR 687 which are capable of reaching Cyprus, Eastern Turkey, Tehran and Israel.</i></p> <p>[Chapter 3, paragraph 1]</p>
<p><i>Saddam is prepared to order missile strikes against Israel, with chemical or biological warheads, in order to widen the war once hostilities begin.</i></p> <p>[9 September]</p>	

335. The first extract from the dossier fairly reflects the 9 September JIC assessment. While the context of the last three extracts from the assessment, that Iraq would use chemical and biological weapons only in the event of an attack, is not repeated in the dossier, this was because the dossier was dealing with the overall picture, while the JIC's assessment of 9 September was only looking at attack scenarios.

336. Chemical and biological agents:

Quotations from JIC Assessments	Quotations from the dossier
<p><i>Following a decision to do so, Iraq could produce significant quantities of mustard agent within weeks; significant quantities of the nerve agents sarin and VX within months (and in the case of VX Iraq may already have done so). Production of sarin and VX would be heavily dependent on hidden stocks of precursors</i></p> <p>[9 September]</p>	<p>[Iraq has] <i>the capability to produce the chemical agents mustard gas, tabun, sarin, cyclosarin, and VX capable of producing mass casualties.</i></p> <p>[Chapter 3, paragraph 16]</p>
<p><i>Iraq could produce more biological agents within days. At the time of the Gulf War Iraq had developed the lethal BW agents anthrax, botulinum toxin and aflatoxin.</i></p> <p>[9 September]</p>	<p><i>Iraq has a biological agent production capability and can produce at least anthrax, botulinum toxin, aflatoxin and ricin.</i></p> <p>[Chapter 3, paragraph 16]</p>
<p><i>Iraq may have other toxins, chemical and biological agents that we do not know about;</i></p> <p>[9 September]</p>	
<p><i>... the former Habbaniyah chemical weapons site may provide the base for producing ricin, although there is no evidence that Iraq is currently doing so.</i></p> <p>[15 March]</p>	
<p><i>Iraq has developed for the military, fermentation systems which are capable of being mounted on road-trailers or rail cars. These could produce BW agents.</i></p> <p>[9 September]</p>	<p>[Iraq has] <i>developed mobile laboratories for military use, corroborating earlier reports about the mobile production of biological warfare agents.</i></p> <p>[Executive Summary, paragraph 6]</p>
<p><i>Iraq has a variety of delivery means available for both chemical and biological weapons, some of which are very basic. These include free fall bombs, artillery shells, helicopter and aircraft borne sprayers and ballistic missile warheads. Although the exact numbers are unknown. Iraq is also continuing with the L-29 remotely piloted vehicle programme, which could have chemical and biological weapons delivery applications.</i></p> <p>[15 March]</p>	

337. The dossier did not refer explicitly to the JIC’s uncertainty about the size of stocks of sarin and VX precursors, and hence Iraq’s ability to produce these agents. Nor did it, like the JIC assessments, refer explicitly to the lack of intelligence on the location of facilities for producing biological and chemical agent, although it did draw attention to the difficulty of assessing the use made of ‘dual use’ facilities.
338. Delivery systems:

Quotations from JIC Assessments	Quotations from the dossier
<p><i>Iraq told UNSCOM in the 1990s that it filled 25 warheads with anthrax, botulinum toxin and aflatoxin for its Al Hussein ballistic missile (range 650km). Iraq also admitted it had developed 50 chemical warheads for Al Hussein. We judge Iraq retains up to 20 Al Husseins and a limited number of launchers.</i></p> <p style="text-align: right;">[9 September]</p>	<p><i>Iraq told UNSCOM that it filled 25 warheads with anthrax, botulinum toxin and aflatoxin. Iraq also developed chemical agent warheads for al-Husseini. Iraq admitted to producing 50 chemical warheads for al-Husseini which were intended for the delivery of a mixture of sarin and cyclosarin.</i></p> <p style="text-align: right;">[Chapter 3, paragraph 14]</p>
<p><i>Iraq is also developing short-range systems Al Samoud/Ababil 100 ballistic missiles (range 150kms plus) - One intelligence report suggests that Iraq has “lost” the capability to develop warheads capable of effectively disseminating chemical and biological agent and that it would take six months to overcome the “technical difficulties”. However, both these missile systems are currently being deployed with military units and an emergency operational capability with conventional warheads is probably available.</i></p> <p style="text-align: right;">[9 September]</p>	<p><i>Al-Samoud/Ababil 100 ballistic missiles (range 150kms plus): it is unclear if chemical and biological warheads have been developed for these systems, but given the Iraqi experience on other missile systems, we judge that Iraq has the technical expertise for doing so.</i></p> <p style="text-align: right;">[Chapter 3, paragraph 14]</p>
<p><i>Iraq has probably dispersed its special weapons, including its CBW weapons. Intelligence also indicates that chemical and biological munitions could be with military units and ready for firing within 20–45 minutes.</i></p> <p style="text-align: right;">[9 September]</p>	<p><i>[The dossier] discloses that his military planning allows for some of the WMD to be ready within 45 minutes of an order to use them.</i></p> <p style="text-align: right;">[Prime Minister's Foreword]</p> <p><i>Iraq has: . . . military plans for the use of chemical and biological weapons, including against its own Shia population. Some of these weapons are deployable within 45 minutes of an order to use them</i></p> <p style="text-align: right;">[Executive Summary, paragraph 6]</p>

Quotations from JIC Assessments	Quotations from the dossier
	<p><i>Iraq's military forces are able to use chemical and biological weapons, with command, control and logistical arrangements in place. The Iraqi military are able to deploy these weapons within 45 minutes of a decision to do so.</i></p> <p style="text-align: right;">[Chapter 3, paragraph 1]</p> <p><i>. . . intelligence indicates that as part of Iraq's military planning Saddam is willing to use chemical and biological weapons, including against his own Shia population. Intelligence indicates that the Iraqi military are able to deploy chemical or biological weapons within 45 minutes of an order to do so.</i></p> <p style="text-align: right;">[Chapter 3, paragraph 5]</p>

339. JIC judgements on Iraq's ballistic missile capabilities were reflected fairly in the dossier. The '45 minute' issue was, because of the context of the JIC assessment<sup>10</sup>, run together in the dossier with statements on Iraqi intentions for use of its capabilities. It was also included in the Prime Minister's Foreword.

340. Nuclear:

Quotations from JIC Assessments	Quotations from the dossier
<p><i>We judge that Iraq does not possess a nuclear weapons capability. . . . Although there is very little intelligence, we continue to judge that Iraq is pursuing a nuclear weapons programme.</i></p> <p style="text-align: right;">[15 March]</p>	<p><i>Iraq continues to work on developing nuclear weapons, in breach of its obligations under the Non-Proliferation Treaty and in breach of UNSCR 687.</i></p> <p style="text-align: right;">[Chapter 3, paragraph 1]</p>
<p><i>We have an unclear picture of the current status of Iraq's nuclear programme. There is intelligence that Iraq continued its nuclear research after the Gulf War and recalled its nuclear scientists in 1998.</i></p> <p style="text-align: right;">[10 May 2001]</p>	<p><i>In mid-2001 the JIC assessed that Iraq had continued its nuclear research after 1998. The JIC drew attention to intelligence that Iraq had recalled its nuclear scientists to the programme in 1998.</i></p> <p style="text-align: right;">[Chapter 3, paragraph 17]</p>

341. The dossier did not repeat the JIC's warning about the limited intelligence available on Iraq's nuclear weapon programme, but it did make clear separately that Iraq would not be able to develop a nuclear weapon without procuring key equipment and materiel.

<sup>10</sup> See the fuller analysis at Chapter 6.

## LESSONS FOR THE FUTURE

342. Many witnesses have told us that they expect that the nature of the security challenges faced by the UK in the 21<sup>st</sup> century, and public expectations of government openness, will increase the frequency of demands on government to put intelligence into the public domain when arguing the case for a particular course of action. On this view, the production of the dossier has set a precedent for openness that the public will wish to see repeated in future. We recognise this argument. We conclude that, if intelligence is to be used more widely by governments in public debate in future, those doing so must be careful to explain its uses and limitations. It will be essential, too, that clearer and more effective dividing lines between assessment and advocacy are established when doing so.

## 5.6 SEPTEMBER 2002 – MARCH 2003

### THE SCOPE OF JIC ASSESSMENTS

343. There was a marked shift in the nature of JIC assessments after the production of the Government's dossier. Before 24 September, they had focused on the status of Iraq's nuclear, biological, chemical and ballistic missile programmes, and on Iraqi options for the use of its capabilities. After that date, the JIC and intelligence community turned their attention to intelligence reporting on and assessments of:

- a. Links between the Iraqi regime, its chemical and biological weapons capabilities and terrorism (covered more fully at Chapter 6).
- b. The likely nature of Iraq's dealings with the United Nations, and in particular its handling of staff of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and of the IAEA undertaking inspection activities in Iraq.
- c. Iraqi military preparations and options.

344. Intelligence was also collected and used to inform contingency planning for a possible military campaign, especially in the selection of targets that should be attacked.

345. Apart from an assessment of Iraq's declaration of 7 December to the United Nations<sup>11</sup> (covered further below), Iraq's nuclear, biological, chemical and ballistic missile capabilities were covered only tangentially in those assessments. We summarise these assessments below.

### IRAQI CAPABILITIES

346. No new JIC assessment of the status of Iraq's **nuclear weapons programme** was prepared during the period, notwithstanding the findings of the IAEA inspectors. On Iraq's **chemical weapons programme**, the JIC noted in October that:

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<sup>11</sup> Security Council Resolution 1441 adopted on 8 November 2002 called for Iraq to provide "a currently accurate, full, and complete declaration of all aspects of its programme to develop chemical, biological, and nuclear weapons, ballistic missiles, and other delivery systems . . .".

*We continue to judge . . . that Iraq has an offensive CW programme and intelligence indicates that it has continued to produce chemical agent.*

and that:

*Iraq can weaponise CBW agents into missile warheads, bombs, artillery rockets and shells.*

[JIC, 28 October 2002]

347. The judgement that Iraq was continuing to produce chemical agent was supported by one new human intelligence report<sup>12</sup> received on 30 September.
348. On Iraq's **biological weapons programme**, the JIC concluded in its October assessment that:

*We assess that Iraq has continued with an offensive BW programme. Research, development and production is assessed to continue under cover of a number of outwardly legitimate institutes and covert facilities. Confirmed intelligence reveals that transportable BW production facilities have been constructed. Iraq has possibly already made significant quantities of BW agents and intelligence indicates it has continued to produce biological agents. We judge that Iraq is self-sufficient in its BW programme and currently has available, either from pre-Gulf War stocks or more recent production, anthrax spores, botulinum toxin, aflatoxin, and possibly plague and ricin.*

[JIC, 28 October 2002]

349. We cover JIC assessments on Iraqi possession of plague more fully at Chapter 6. The most significant change in this assessment was in the JIC's indication to readers of its new judgement that intelligence on mobile biological agent production facilities had been "confirmed". The greater firmness of the JIC's judgement in this area was based on the receipt of one intelligence report, from a reliable and established source quoting a new sub-source. That report reinforced the large volume of reports on those facilities received from a single source through a liaison service since April 2000, although our view is that the new report was complementary to rather than confirming those from the liaison service.
350. On Iraq's **ballistic missile programme**, a JIC assessment of December 2002 sustained the judgement it had made over the past two years that Iraq had: . . .

*. . . retained up to 20 Al Hussein missiles . . . though their condition is not known . . .*

[JIC, 6 December 2002]

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<sup>12</sup> This report was withdrawn when all reporting from this source was withdrawn by SIS in July 2003 as being unreliable. Section 5.9 provides fuller detail.

351. It also noted that:

*Intelligence indicates that the Iraqis may have developed an extended al-Samoud, which sources claim has a range of over 300 Kms. We judge such ranges are technically possible, but would result in a significant decrease in payload.*

[JIC, 6 December 2002]

## DECEPTION AND CONCEALMENT

352. In contrast to reporting on Iraqi nuclear, biological, chemical and ballistic missile capabilities, intelligence reporting between mid-October 2002 and March 2003 on Iraqi deception and concealment activities was voluminous. Reports covered Iraqi preparations for the arrival of UNMOVIC and IAEA inspectors following the adoption of United Nations Security Council Resolution 1441, and plans to obstruct their activity once they had arrived. Human intelligence reports again played an important role in informing JIC assessments during this period.

353. Two full JIC assessments addressed Iraqi deception and concealment in depth. The issue was covered, sometimes extensively, in four Weekly Intelligence Summaries on Iraq, 32 Intelligence Updates and 19 Daily Intelligence Highlights provided to relevant Ministers and officials.

354. Those reports, together with the findings of the United Nations inspectors, were available to the Prime Minister when deciding whether Iraq was in further material breach of its obligations under United Nations Security Council Resolution 1441, an issue to which we return in the next Section. We have therefore examined their quality, both in terms of the reliability of the original sources and by validation against the discoveries made by UNMOVIC and the IAEA on the basis of the intelligence reports they received from the UK.

### Reliability of human intelligence reports

355. Of the human intelligence reports which had a material influence on JIC assessments on Iraqi deception and concealment, over four-fifths came from two principal sources, and two-thirds from one in particular. Both were believed at the time to be reporting reliably<sup>13</sup>. There will therefore have been a tendency for the intelligence community to assume that they were similarly reporting reliably on Iraqi concealment and deception.

### Use of the Intelligence

356. The British Government, drawing on intelligence reports, passed leads to UNMOVIC via the 'Rockingham' cell (see box) and SIS to assist them in their search for weapons, materiel, documents and personnel related to Iraq's nuclear, biological, chemical and ballistic missile programmes.

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<sup>13</sup> We have, however, been told that post-war validation by SIS of its sources has led to doubts about the reliability of the reports provided by the source who provided the smaller proportion of the reporting.

### **Operation Rockingham**

At the end of the first Gulf war, the United Nations Security Council passed a series of resolutions aimed at eliminating Iraq's nuclear, biological and chemical weapons capabilities, and programmes covering ballistic missiles with ranges in excess of 150 kilometres. These established the United Nations Special Commission (UNSCOM), which worked closely with the International Atomic Energy Agency (IAEA) in pursuit of this goal. UK support to UNSCOM and the IAEA was provided as a cross-departmental initiative through a new organisation within the Defence Intelligence Staff known as Operation Rockingham.

From 1991 until the end of 1998, Rockingham was responsible for briefing some of the personnel who formed part of UNSCOM and IAEA inspection teams. It processed information received as a result of the inspections, and acted as a central source of advice on continuing inspection activity. Rockingham also advised FCO and MOD policy branches on the provision of UK experts from government and industry to work with UNSCOM and the IAEA as members of inspection teams. Rockingham included an officer detached to Bahrain to staff an organisation known as GATEWAY to co-ordinate briefings to, and debriefings of, inspection team members as they deployed to, and returned from, Iraq.

With the withdrawal of UNSCOM from Iraq in December 1998, Rockingham was reduced to a single member of staff. It continued to maintain a watching brief on matters related to possible future United Nations inspections in Iraq. GATEWAY was closed.

Rockingham was expanded again to provide UK support to UNMOVIC. Unlike UNSCOM, UNMOVIC inspectors were United Nations employees, and did not deploy in a national capacity. As a result, no official feedback from UNMOVIC was offered, nor expected. Rockingham did not brief or debrief individual inspectors. It did, however, continue to provide UNMOVIC and the IAEA with all-source UK intelligence assessments of the extent of Iraq's nuclear, biological, chemical and ballistic missile programmes, and information about sites of potential significance. Rockingham also assisted in the briefing of senior UNMOVIC staff and responded to a number of requests from UNMOVIC for specific information to assist its work. It acted as the focus for the work tasked by the JIC on the analysis of the Iraqi declaration of 7 December 2002.

After the second Gulf war, Rockingham became the UK focal point for intelligence support to the work of the Iraq Survey Group. In that role, Rockingham receives and distributes reporting from the ISG, and provides additional guidance and support to the ISG and UK customers, as required.

357. About 30 separate pieces of intelligence from human sources and satellite imagery, covering 19 sites in all, were involved in the leads provided to the inspectors. UNMOVIC visited seven of those sites, made a partial examination of one more and subjected one further site to examination by ground-penetrating radar. In terms of the results:
- a. At two sites, United Nations inspectors found relevant material – 223 Volga engines for Al Samoud missiles at one, and at the other documents on the Iraqi nuclear programme dating from 1991.
  - b. At one site, inspectors found conventional munitions (they were also aware of conventional munitions concealed at another site that they did not visit, and found conventional munitions near a site they planned to visit).
  - c. At three sites, inspectors found no evidence of either prohibited or conventional Iraqi programmes. (The inspection by ground-penetrating radar of one site also

produced no results.) One of these three sites was the Al Kut hospital, where the first inspection was disrupted by a demonstration; nothing was found when the inspectors returned (although we note that this was carried out 15 days later).

- d. At the final site, the inspectors took samples.
358. We have noted a reasonable correlation between the intelligence provided by one source and discoveries made by UNMOVIC. Leads provided on the basis of intelligence received from other sources do not appear to have borne fruit. In the time available UNMOVIC followed up a little over half of the leads provided by the British Government.
359. In total, UNMOVIC carried out, in a little under four months, 731 inspections, covering 411 sites, 88 of which had not been inspected before. It found and, where relevant, supervised the destruction of:
- a. The illegally-imported Volga engines, and historic documents on the Iraqi nuclear programme, described above, flowing from leads given by the British Government.
  - b. Over 70 illegal Al-Samoud 2 missiles and over 50 warheads. When UNMOVIC's operations were suspended in mid-March 2003, 25 more missiles and nearly 40 warheads remained to be destroyed. (As noted above, British intelligence had led to the discovery of the engines for the missiles.)
  - c. Two propellant casting chambers capable of producing rocket motors for missiles with ranges greater than 150km.
  - d. A small number of unfilled chemical munitions (all old).
  - e. 244.6 kg of declared but expired growth media and 40 vials of expired 'toxin standards'.
360. Dr Blix in early 2003 told the United Nations in addition that:
- a. He had information indicating that Iraq had worked on purifying and stabilising VX, and had achieved more than it had declared.
  - b. UNMOVIC thought that 10,000 litres of anthrax might still exist, and was concerned generally about biological agent growth media.
  - c. Iraq had worked on a possible anthrax simulant (*Bacillus thuringiensis*).
  - d. Of the 157 biological agent-filled munitions which Iraq had declared but UNSCOM had considered unaccounted for, UNMOVIC, with Iraq's co-operation, had accounted for 128. Two were found to have definitely contained anthrax.
  - e. UNMOVIC inspections had confirmed that unmanned aerial vehicles capable of autonomous flight had been developed and produced, but did not know whether they were intended for chemical and biological warfare use.

361. By the time United Nations inspectors left on 17 March 2003, the IAEA had not found any evidence or plausible indication of the revival of Iraq's nuclear programme.
362. As we have described above, there was throughout this period a substantial volume of intelligence reports on Iraqi deception and concealment activities, coupled with - as UNMOVIC reported - a lack of active co-operation with inspectors. There were also the UNMOVIC discoveries listed above. Even so, we are surprised that neither policy-makers nor the intelligence community, as the generally negative results of UNMOVIC inspections became increasingly apparent, conducted a formal re-evaluation of the quality of the intelligence and hence of the assessments made on it. We have noted in departmental papers expressions of concern about the impact on public and international opinion of the lack of strong evidence of Iraqi violation of its disarmament obligations. But those involved appear to have operated on the presumption that the intelligence was right, and that it was because of the combination of Iraqi concealment and deception activities and perceived UNMOVIC weaknesses that such evidence was not found.
363. We also noted the limited time given to evaluation of the Iraqi declaration of 7 December. Considerable effort was made by DIS staff immediately on its receipt to sift and analyse its contents. Their initial findings were reported by the Assessments Staff on 13 December. Further DIS work on the declaration was captured in a JIC paper on 18 December, properly described as "*An Initial Assessment of Iraq's WMD Declaration*". Thereafter, despite its importance to the determination of whether Iraq was in further material breach of its disarmament obligations under United Nations Security Council Resolution 1441<sup>14</sup>, the JIC made no further assessment.
364. The JIC's attitude will have been shaped by intelligence received in late-November that Iraq's declaration would omit references to its prohibited programmes and more generally would seek to overload the United Nations with information. Predictions on the extreme length<sup>15</sup> and nature of the declaration were subsequently borne out. Even so, we find it odd that after the '*Initial Assessment*' of 18 December, the JIC produced no further assessment.

## SUMMARY

365. We consider in the next Section those legal issues surrounding the decision to take military action to enforce Iraqi disarmament that fall within our terms of reference. From our Review, we believe that those involved will, in taking that decision, have had the following evidence derived from intelligence reports and assessments made by the UK intelligence community<sup>16</sup>:
- a. Judgements which became increasingly firm during summer 2002 about the extent of Iraq's prohibited programmes, drawing in particular on new intelligence on Iraqi biological and chemical weapons programmes received from 2000 onwards.

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<sup>14</sup> Operative Paragraph 4.

<sup>15</sup> The eventual document was almost 12,000 pages long.

<sup>16</sup> They will, of course, also have taken into account the findings of UNMOVIC and the IAEA, and the conclusions of the United Nations Security Council.

- b. The initial assessment of the Iraqi declaration of 7 December.
- c. Intelligence reports from September 2002 onwards on the extent of Iraqi concealment of evidence of prohibited programmes, together with the results of inspections undertaken on the basis of those reports.

## 5.7 THE ROLE OF INTELLIGENCE IN ASSESSING THE LEGALITY OF THE WAR<sup>17</sup>

366. We have examined the Attorney General's advice on the legality of war in Iraq, and taken oral evidence from him on two occasions.
367. The Attorney General was briefed on relevant intelligence issues in September 2002 and February 2003.
368. At our request, the Legal Secretariat to the Law Officers submitted to us a background note on the usual procedure by which the Government obtains legal advice from the Law Officers, who are the Government's principal legal advisers. In view of the public interest in this matter, we judge that it may be worth setting this out.
369. There is no set procedure for seeking the advice of the Law Officers. The usual practice is for a Government lawyer in the Whitehall department with the lead interest in the issue to write to the Legal Secretary to the Law Officers, or to one of the officials in the Legal Secretariat, with a request for Law Officers' advice. It is not, however, the invariable practice for advice to be sought in this way. On occasion, Ministers write directly to the Law Officers to seek their advice. Paragraph 22 of the Ministerial Code describes the type of case where it will normally be appropriate to consult the Law Officers.
370. Requests for advice normally set out the background and provide the department's own legal analysis of the issue. Depending on the circumstances, a number of things might happen once the request is received. The lead department might be asked for further information or further analysis of the legal question if the Legal Secretariat felt that this was needed; it might be necessary to convene a meeting between the Law Officers and relevant departmental lawyers to discuss the matter; the Law Officers might ask for the views of outside counsel on the issue before giving their advice; or the letter might simply be submitted by the Legal Secretariat to the Law Officers for their views.
371. Once the Law Officers have formed a view on the matter, officials in the Legal Secretariat would normally write back to the lead department recording the Law Officers' advice. In some cases, the Law Officers may communicate their advice directly to the Minister of the lead department.
372. There is a long-standing convention, adhered to by successive Governments (and reflected in paragraph 24 of the Ministerial Code), that neither the fact that the Law Officers

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<sup>17</sup> The Government made clear to us that Government legal advice, whether from the Attorney General or from other legal advisers, was shown to us in confidence and without intending to waive the legal professional privilege to which the advice is subject. We have therefore referred to legal advice in general terms only and have not disclosed the contents of that advice in this Report, except to the very limited extent that this is done in this Section. Those limitations are deliberately constructed in a way which does not give rise to the risk of waiver of legal professional privilege in the underlying advice which was given, which the Attorney General has made clear to us remains confidential.

have been consulted in relation to a particular matter nor the substance of any advice they may have given is disclosed outside Government. The purpose of the convention is to enable the Government, like everyone else, to obtain full and frank legal advice in confidence. There is a strong public interest in the Government seeking legal advice so that it acts in accordance with the law. If there were a risk that Law Officers' advice would be made public, this might inhibit the provision of full and frank legal advice. The rationale for the convention is the same as that which underpins the doctrine of legal professional privilege, which also applies to Law Officers' advice.

373. We have been advised of only three examples in the past 100 years of the actual advice of the Law Officers being disclosed publicly. Two of those examples relate to the provision of documents in judicial proceedings, namely the Factortame litigation and the Scott Inquiry. In both of those cases, the advice given by the Law Officers was central to the issues in the proceedings. The third example arose from the Westland affair when a letter from the then Solicitor General to the then Secretary of State for Defence was published by the Government. This followed, however, the unauthorised disclosure of part of the Solicitor General's letter in breach of the convention, which gave rise to serious consideration of prosecutions under the Officials Secrets Act and led to, or contributed to, the resignation of two Cabinet Ministers.
374. In the case of Iraq, the Attorney General offered initial advice to the Government prior to the adoption of United Nations Security Council Resolution 1441, when consideration was being given to the enforcement of Iraq's compliance with its disarmament obligations under United Nations Security Council Resolution 687 and subsequent relevant resolutions. That advice mainly concerned legal interpretation of relevant United Nations Security Council resolutions. But the Attorney General did conclude that, on the basis of the information he had seen, there would be no justification for the use of force against Iraq on grounds of self-defence against an imminent threat.
375. Following the passing of United Nations Security Council Resolution 1441, there was disagreement inside the FCO on whether a further decision of the Security Council would be needed before the UK could lawfully use force against Iraq to secure compliance by Iraq with its disarmament obligations. The Foreign Secretary told us that he took the view that, particularly in the light of the negotiating history of Security Council Resolution 1441, such a further decision was not essential but that all concerned in the FCO accepted that the final word would belong to the Attorney General.
376. In the ultimate event, a Deputy Legal Adviser in the FCO, Ms Elizabeth Wilmshurst, disagreed with the Government's position and felt it necessary to resign. We took evidence from Ms Wilmshurst and she told us that her view rested on a difference over legal arguments and was not related to intelligence.
377. The Attorney General has told us that, during the course of negotiation of Resolution 1441 and in the weeks following the adoption of that resolution, he had a number of discussions with the Prime Minister, the Foreign Secretary and senior officials from their departments about what happened during the negotiations, and on the interpretation of Resolution 1441, including whether it was of itself sufficient to authorise the use of force in the event that Iraq failed to take the 'final opportunity' afforded to it by the Security Council to comply

with its disarmament obligations. The Attorney General has also told us that, in order to assist him in reaching a concluded view of the proper interpretation of the resolution, he also spoke to Sir Jeremy Greenstock, the UK Permanent Representative to the United Nations, and in February 2003 met members of the US Administration who as co-sponsors of the Resolution had detailed knowledge of the negotiation of the resolution.

378. The Attorney General informed the Prime Minister's Chief of Staff (Mr Powell), his Foreign Policy Adviser (Sir David Manning) and Baroness Morgan of his view of the legal position at a meeting on 28 February 2003. The Prime Minister's office subsequently asked the Attorney General to put those views in writing, which he did in a formal minute to the Prime Minister on 7 March 2003.
379. We have received an account from the Attorney General of that advice, and have read it. It was based on the legal interpretation of relevant United Nations Security Council resolutions and negotiating history in the United Nations, and not on WMD-related intelligence. It did, however, require the Prime Minister, in the absence of a further United Nations Security Council resolution, to be satisfied that there were strong factual grounds for concluding that Iraq had failed to take the final opportunity to comply with its disarmament obligations under relevant resolutions of the Security Council and that it was possible to demonstrate hard evidence of non-compliance and non-co-operation with the requirements of Security Council Resolution 1441, so as to justify the conclusion that Iraq was in further material breach of its obligations.
380. On the basis of the Attorney General's advice, the Government drew up its military campaign objectives (set out at Annex C) which made it clear that the Government's overall objective for the military campaign was to bring about Iraq's disarmament in accordance with its obligations under the relevant United Nations Security Council resolutions and that the obstacle to achieving this was the then current Iraqi regime, supported by the security forces under its control. The Government therefore concluded that military action was necessary to remove the Iraqi regime from power, in order to secure compliance by Iraq with its disarmament obligations. The Attorney General confirmed to us his view that, while the assessment that it was necessary to remove the current regime to enforce compliance with its disarmament obligations was not for him, he saw no reason to regard this as being other than a proper and reasonable political and military assessment for the Government to make.
381. The Attorney General decided that it was in the interests of public servants, both military and civil, who would have to carry through any decision to take military action that a statement should be made in clear and simple terms as to his view of the legal position. The Attorney General informed Lord Falconer and Baroness Morgan at a meeting on 13 March of his clear view that it was lawful under Resolution 1441 to use force without a further United Nations Security Council resolution.
382. The Legal Secretary to the Law Officers informed the Legal Adviser to the Ministry of Defence on 14 March of the Attorney General's view, the Legal Adviser to the Ministry of Defence having written to the Legal Secretary on 12 March asking for confirmation of the legal position in order that the Chief of the Defence Staff could issue the order to commit armed forces to military action.

383. Following the end of negotiations in the United Nations on a further Security Council resolution, the Legal Secretary to the Attorney General wrote to the Private Secretary to the Prime Minister on 14 March 2003 seeking confirmation that:

*... it is unequivocally the Prime Minister's view that Iraq has committed further material breaches as specified in paragraph 4 of resolution 1441.*

384. The Prime Minister's Private Secretary replied to the Legal Secretary on 15 March, confirming that:

*... it is indeed the Prime Minister's unequivocal view that Iraq is in further material breach of its obligations, as in OP4<sup>18</sup> of UNSCR 1441, because of 'false statements or omissions in the declarations submitted by Iraq pursuant to this resolution and failure by Iraq to comply with, and co-operate fully in the implementation of, this resolution'.*

385. We have been told that, in coming to his view that Iraq was in further material breach, the Prime Minister took account both of the overall intelligence picture and of information from a wide range of other sources, including especially UNMOVIC information.

386. The Attorney General set out his view of the legal position to the Cabinet on 17 March, by producing and speaking to the Written Answer he gave to Parliament on that date:

**Baroness Ramsay of Cartvale:** *What is the Attorney General's view of the legal basis for the use of force against Iraq.*

**The Attorney General:** *Authority to use force against Iraq exists from the combined effect of Resolutions 678, 687 and 1441. All of these resolutions were adopted under Chapter VII of the UN Charter which allows the use of force for the express purpose of restoring international peace and security:*

- 1. In Resolution 678, the Security Council authorised force against Iraq, to eject it from Kuwait and to restore peace and security in the area.*
- 2. In Resolution 687, which set out the ceasefire obligations after Operation Desert Storm, the Security Council imposed continuing obligations on Iraq to eliminate its weapons of mass destruction in order to restore international peace and security in the area. Resolution 687 suspended but did not terminate the authority to use force under Resolution 678.*
- 3. A material breach of Resolution 687 revives the authority to use force under Resolution 678.*
- 4. In Resolution 1441, the Security Council determined that Iraq has been and remains in material breach of Resolution 687, because it has not fully complied with its obligations to disarm under that resolution.*
- 5. The Security Council in Resolution 1441 gave Iraq "a final opportunity to comply with its disarmament obligations" and warned Iraq of the "serious consequences" if it did not.*

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<sup>18</sup> Operative Paragraph 4 of the resolution.

6. *The Security Council also decided in Resolution 1441 that, if Iraq failed at any time to comply with and co-operate fully in the implementation of Resolution 1441, that would constitute a further material breach.*
7. *It is plain that Iraq has failed so to comply and therefore Iraq was at the time of Resolution 1441 and continues to be in material breach.*
8. *Thus, the authority to use force under Resolution 678 has revived and so continues today.*
9. *Resolution 1441 would in terms have provided that a further decision of the Security Council to sanction force was required if that had been intended. Thus, all that Resolution 1441 requires is reporting to and discussion by the Security Council of Iraq's failures, but not an express further decision to authorise force.*

387. On the same date, the Foreign Secretary gave a more detailed statement of the legal position in his letter to both Houses of Parliament which included a note summarising Iraq's record on non-compliance with United Nations Security Council Resolution 1441 (reproduced at Annex D).

## 5.8 WHAT HAS BEEN FOUND IN IRAQ SINCE THE WAR

### INTRODUCTION

388. In the period immediately following hostilities, there was much disorder and looting in Iraq. Coalition activities were initially directed to mopping up outlying resistance, establishing internal security and repairing public utilities. Although the 75<sup>th</sup> Exploitation Task Force was set up to find and destroy chemical or biological weapons deployed on the battlefield or stockpiled in position near Iraqi military units, circumstances on the ground made their operations very difficult.
389. During this period, much potential evidence about prohibited Iraqi weapons programmes may have been destroyed. The systematic destruction of computers and other forms of records at some sites suggested that it was not the work of looters but was part of a scheme of orchestrated destruction. There was also evidence of sanitisation of sites which may have been used for research.
390. Iraqi concealment activities may also have hidden evidence from Coalition forces. Items were buried. A complete fighter aircraft was, for example, dug out of the sand by US Air Force troops after the end of military action. It would not have been difficult to conceal in this way a complete Al Hussein missile. It would have been even easier to conceal such missiles if they were broken down into components, as some intelligence suggested.
391. We were told that the volume of biological and chemical agents unaccounted for at the time of UNSCOM's departure, even if they were all held together, would fit into a petrol tanker. If they were dispersed and hidden in small quantities, they would be even harder to discover; and they could be concealed in containers bearing an innocent description which would not raise suspicion if they were standing in the open.

392. We conclude that it would be a rash person who asserted at this stage that evidence of Iraqi possession of stocks of biological or chemical agents, or even of banned missiles, does not exist or will never be found.

## WHAT THE IRAQ SURVEY GROUP HAS FOUND

393. In June 2003, the US-led Iraq Survey Group (ISG) was established to investigate '*weapons of mass destruction developed by Iraq under the previous regime*' and took over from the 75th Exploitation Task Force.
394. Following initial investigations, the ISG noted that it was unlikely that the Iraqis had deployed chemical and biological weapons on the battlefield for use. In March 2004, the ISG published an interim "Status Report" in which it projected key priorities for future investigation, including:
- a. Further research into a complex and well-developed procurement system hidden by an effective denial and deception strategy.
  - b. New leads on plans to develop an indigenous capability to produce a range of chemicals, some of them subject to sanctions.
  - c. New information related to potential dual-use facilities.
  - d. Information indicating Iraqi interest in maintaining the knowledge needed to support a potential nuclear programme.
395. As we note in the introduction to this report, the ISG have not yet produced any publicly available comprehensive report. But we have been advised that, in their work over the past year, they have developed the following key concerns:
- a. On Iraq's nuclear programme, the ISG are continuing to investigate Iraqi attempts to sustain the necessary intellectual capital, both human and documentary, to reconstitute such a programme.
  - b. On Iraq's chemical weapons programme, the ISG found a small number of pre-1991 weapons.
  - c. On Iraq's biological weapons programme, the ISG are continuing to investigate the evidence of post-1991 biological research, including potential laboratories run by the Iraqi Intelligence Service.
  - d. On Iraq's ballistic missile programme, there is evidence of clear decisions by the Iraqi leadership to proceed with the development and production of ballistic missiles beyond permitted ranges, but no corroboration that new warheads capable of chemical and biological payloads were developed for ballistic missiles.
396. The ISG are continuing to investigate the decisions and plans of the former Iraqi regime, and we have been told that the debriefing of detainees has included:
- a. Admissions that chemical weapons were used in the Iran-Iraq war, but assertions that any remaining stocks were destroyed in 1991.

- b. Statements that after 1991 the Iraqi regime was determined to maintain the intellectual capital necessary for reconstruction of nuclear, biological and chemical weapons programmes once sanctions were significantly eroded or lifted.

## CONCLUSIONS

397. For the reasons given above, even now it is premature to reach conclusions about Iraq's prohibited weapons. But from the evidence which has been found and de-briefing of Iraqi personnel it appears that prior to the war the Iraqi regime:
- a. Had the strategic intention of resuming the pursuit of prohibited weapons programmes, including if possible its nuclear weapons programme, when United Nations inspection regimes were relaxed and sanctions were eroded or lifted.
  - b. In support of that goal, was carrying out illicit research and development, and procurement, activities.
  - c. Was developing ballistic missiles with a range longer than permitted under relevant United Nations Security Council resolutions.
  - d. Did not, however, have significant - if any - stocks of chemical or biological weapons in a state fit for deployment, or developed plans for using them.

## 5.9 VALIDATION OF HUMAN INTELLIGENCE SOURCES

### INTRODUCTION

398. During the course of our Review, SIS provided a series of commentaries on the results of their post-war validation of the main sources of human intelligence in the run-up to the war on Iraqi chemical and biological weapons, their use and their concealment. The good faith and reliability of some of those sources have been verified. But doubts - and in some cases serious doubts - have emerged about the reliability of intelligence from three sources whose intelligence helped to underpin JIC assessments and the Government's dossier of September 2002. We set out below the position at the time of conclusion of our Review.

### CONTEXT

399. Before doing so, however, we believe that it would be helpful to set in context the relative influence of each of the main SIS sources whose reporting underpinned JIC assessments. We cannot here set out in full the analysis we made; doing so would present an unacceptable risk to the continued security of sources and to the confidence of other current and potential SIS sources that their secrets will remain safe with SIS. But we can provide a description both of the subjects on which SIS's main sources reported and of the volume of their reporting. We are also able to include our conclusions on their validation.
400. SIS's main sources reported on the production and possession of stocks of chemical and biological agents; on the weaponisation and deployment of those agents; on the use by

the Iraqi regime of chemical and biological weapons; and on the concealment of evidence of prohibited programmes from United Nations inspectors. One main source reported only on the mobile biological agent production facilities. Reporting from SIS's main sources represented in total some three-quarters of all SIS intelligence reports on those subjects circulated during 2002.

401. Two of the main sources were dominant, in terms of both the number of reports and influence on JIC assessments. During 2002, they provided some two-thirds of all intelligence reports that were circulated; and from summer 2002 onwards their reporting had a significant influence on intelligence assessments on Iraqi use of chemical and biological weapons. As noted in Chapter 1, however, volume is not necessarily a measure of influence; even single intelligence reports can have a significant impact. That was certainly the case with one report from one of these sources which had a major effect on the certainty of statements in the Government's dossier of September 2002 that Iraq possessed and was producing chemical and biological weapons. (This report was subsequently withdrawn.)

## SIS MAIN SOURCES

402. Of the two dominant sources, the first reported accurately and authoritatively on some key issues. On production and stocks of chemical and biological weapons and agents, he could only report what he learned from others in his circle of high-level contacts in Baghdad.
403. The second dominant source remains the subject of continuing SIS validation. In 2002, SIS considered him to be an established and reliable source. His intelligence on other subjects had previously been corroborated. We therefore understand why SIS decided that it should issue a number of reports from him quoting a new sub-source on Iraqi chemical and biological programmes and intentions. Even then, they properly included a caution about the sub-source's links to opposition groups and the possibility that his reports would be affected by that. We have been told that post-war validation by SIS has raised serious doubts about the reliability of reporting from this new sub-source. We conclude that this stream of reporting that underpinned JIC assessments on Iraqi production and possession of chemical and biological weapons must be open to serious doubt.
404. In addition to these two dominant sources, SIS's post-war validation has led them to conclude that two further main sources should continue to be regarded as reliable. We have, however, noted that reports from those sources tended to present a less worrying view of Iraqi chemical and biological weapons capability than that from the sources whose reporting is now subject to doubt.
405. Finally, in mid-September 2002 SIS issued a report, described as being from '*a new source on trial*', on Iraqi production of chemical and biological agent. Although this report was received too late for inclusion in the JIC assessment of 9 September, it did provide significant assurance to those drafting the Government's dossier that active, current production of chemical and biological agent was taking place. A second report from the

new source, about the production of a particular chemical agent, was received later in September 2002. In July 2003, however, SIS withdrew the two reports because the sourcing chain had by then been discredited. SIS also interviewed the alleged sub-source for the intelligence after the war, who denied ever having provided the information in the reports. We note, therefore, that the two reports from this source, including one which was important in the closing stages of production of the Government's September dossier, must now be treated as unsafe.

## LIAISON SERVICE SOURCES

406. As noted above, one source provided the vast majority of the intelligence that suggested that Iraq had developed mobile facilities for the production of biological agent. In oral evidence to our Review in May, the Chief of SIS said that this source's reports had been received through a liaison service and that he had not therefore been under the control of SIS. SIS had been able to verify that he had worked in an area which would have meant that he would have had access to the sort of information he claimed to have. But they had not been able to question him directly until after the war.

407. Following this initial post-war debrief of the source, SIS told us that:

*It has become apparent that significant detail did not appear in the original liaison reports . . . But based on the information derived from the limited access to [the source] to date we continue to judge that it is premature to conclude . . . that all the intelligence from the source must be discounted.*

408. SIS also noted, however, that their own debriefing of the source had led them to conclude that the product from the mobile facilities would have been in slurry form, which would have had a shorter life than would dried agent. As a result, SIS concluded that:

*This indicates that the concept for use of the [mobile facilities] was not to produce material to stockpile . . . Whilst further work needs to be done, at the moment it appears that the most likely function of the trailers was to provide a breakout production capability and not the continued production of material for stockpiling.*

409. SIS have informed us that they will continue to debrief the source. But, for the purposes of our Review, we conclude that there must be some doubts about the reliability of all the reports received from this source via the liaison service. We also conclude that intelligence reports received in 2000 which suggested that Iraq had recently-produced biological agent were seriously flawed. We therefore also conclude that the grounds for the JIC assessments drawing on those reports that Iraq had recently-produced stocks of biological agent no longer exist.

## SUMMARY OF MAIN SOURCES

410. The overall picture therefore is that, of the main human intelligence sources described above:

- a. One SIS main source reported authoritatively on some issues, but on others was passing on what he had heard within his circle.

- b. Reporting from a sub-source to a second main SIS source that was important to JIC assessments on Iraqi possession of chemical and biological weapons must be open to serious doubt.
- c. Reports from a third SIS main source have been withdrawn as unreliable.
- d. Reports from two further main SIS sources continue to be regarded as reliable, although it is notable that their reports were less worrying than the rest about Iraqi chemical and biological weapons capabilities.
- e. Reports received from the liaison service on Iraqi production of biological agent were seriously flawed, so that the grounds for JIC assessments drawing on those reports that Iraq had recently-produced stocks of biological agent no longer exist.

## OTHER SOURCES

411. A handful of other sources, and liaison reporting, comprised the remaining quarter of the human intelligence base reporting on Iraqi nuclear, biological, chemical and ballistic missile programmes in 2002. Very few of their reports were judged by the JIC to be material to the judgements reached in its assessments, although some were seen as providing some additional confidence to reporting from the sources described above, including a single report received from a reliable and established source quoting a new sub-source on the mobile biological agent production facilities.
412. In addition to seeking to validate after the war the sources described above, SIS told us that they had planned to interview scientists associated with Iraqi chemical and biological weapons programmes but that this operation had had to be suspended because of practical and legal difficulties in Iraq. We understand those constraints.

## SIS VALIDATION PROCEDURES

413. We commend SIS for the thoroughness with which they have sought to validate their sources after the war and for the frankness they have shown in sharing with us on a continuing basis the results of their investigations. Nevertheless, the fact that reporting from one of their important pre-war sources has been withdrawn, and that from two other main sources is open to doubt, led us to question the standard procedures adopted by SIS to ensure that their sources are valid and that their reporting is subjected to quality control, and to ask whether these procedures were followed in the case of Iraq.
414. Two witnesses made contributions on this process. The first said that, in areas relevant to our Review, SIS's organisational structure changed in the mid-1990s in a way that unintentionally undermined the effectiveness of the quality assurance process. Before the re-organisation, the 'Requirements' function, which was responsible for quality assurance in respect of agents' reporting, was independent of the 'Production' function responsible for producing reports. There was also a separation between UK-based case officers and their 'Production' team. According to this witness, in order to make overall staff savings and, within the staff that remained, to free resources for operational work, SIS brought

together the different functions of running sources and controlling their reporting into one unified team, whose leader was responsible for the total output. The consequence of this was thought by the witness to be that the quality assurance function of the SIS 'Requirements' officer, responsible for checking the validity and quality of source reporting, became subjected to the operational imperative of the team leader to produce results. At the same time, we were told, 'Requirements' posts were increasingly staffed by more junior officers as experienced staff were put into improving the operational teeth of the Service. Their ability to challenge the validity of cases and their reporting was correspondingly reduced.

415. The second witness commented in a similar manner to the first on the impact of the organisational changes described above for the effectiveness of the quality assurance process carried out by 'Requirements' officers. The witness also said that staff effort overall, and the number of experienced case officers in particular, applied to both the geographical (Near and Middle East) and functional (counter-proliferation) areas covered by our Review, were too thin to support SIS's responsibilities. Source validation, especially that on Iraq, had suffered as a consequence of both problems, with what were in the witness's view sources with dubious motivation being over-graded for reliability.

416. The Chief of SIS commented to us that the aim of these changes had been to make:

*. . . people that run the operations responsible not just for operational activity but for delivery and to give them a much, much more clear cut responsibility for the requirement side . . . The primary reason for bringing together operational units into teams was to make delivery of intelligence (and part of the delivery is the ability to assess and evaluate it in terms of its accuracy), as important as operational performance.*

417. In terms of their application to sources of intelligence on Iraq, he added:

*I would say now we're a victim of a lack of experience and a lack of sufficiently expert resources to apply to [one] case . . . had it been under more day to day scrutiny than it was at the time. And then, of course, there is pressure on the Service to produce . . . and what you have to bear in mind in the period from about the middle of 2002 is that we were trying to ramp up our coverage of Iraq.*

418. He added, however, that:

*The Service has a very tough source evaluation process which was completely revised in the period late 1999 to 2001. It was a long exercise and we introduced new processes and systems. Now they, for resource reasons, obviously couldn't be immediately applied, because they are heavy duty, to every case but . . . it's something that we take incredibly seriously, where we have a highly developed process.*

419. The Chief of SIS agreed that these tightened up procedures had obviously not been applied fully in one case. But he also pointed out that in other cases, including the two main sources described above whose reporting is still viewed as reliable, they had worked well.

420. On the level of seniority of officers staffing the 'Requirements' desks, the Chief of SIS commented that:

*... it's very, very difficult particularly when the pressure on the Service is to produce good intelligence, to put your officers who are the only ones that can do production as well into the Requirements tasks. I accept problems and the fact that in an ideal world you would only staff your Requirements desks with very experienced operational officers. In practice that is not possible.*

421. He added, however, that SIS had nevertheless:

*... managed to keep significant experience in each Requirement bit and we don't allow a situation where raw recruits without experience are putting out intelligence without reference to more experienced officers who can check the process.*

422. In conclusion, the Chief of SIS said that:

*We look very hard at the health of the Requirements function and one of the exercises we did post-Iraq was to look at this very carefully and try to work out whether anything remedial needed to be done ... where we need to run more training courses for Requirements officers, whether we need to reinforce the Requirements sections with more area expertise, whether we need more operational expertise. I don't think the Requirements function in SIS is in any way diminished.*

423. Our experience of SIS reporting on other countries of concern and the AQ Khan network, described at Chapter 2, gives us assurance that these procedures work, when applied properly. But there were clearly failures in the case of intelligence on Iraq. We return to this issue in our Conclusions.

## **5.10 CONCLUSIONS ON IRAQ**

### **THE POLICY CONTEXT**

424. We have deliberately started our description of the policy context in 1998. It was clear to us, especially from the evidence we heard from the Prime Minister, that the challenge posed by the Iraqi regime in 1998 to the United Nations inspections regime and the Government's response to it had a significant influence on policy towards Iraq in later years. Thus, the Prime Minister's statement in the House of Commons in February 1998 contained themes that would be equally applicable four years later – the need to preserve the authority and standing of the United Nations; the need in particular to prevent the Iraqi government thwarting the United Nations inspection regime; and in that context the need to back United Nations' demands that Iraq meet its obligations with the threat of force.

425. A review of Government policy towards Iraq in 1999 noted that the policy of containment had "kept the lid on" Saddam Hussein. In the absence of internationally acceptable alternative options, it recommended continuation of the policy of containment, despite its disadvantages. In parallel, however, key policy-makers were receiving increasing intelligence on the developing nuclear, chemical and biological programmes of other states of concern and the proliferation activities of the AQ Khan network, described more fully at Chapter 2. They also had intelligence, described at Chapter 3, of efforts by Usama bin Laden to seek unconventional weapons. The Prime Minister described to us his perception of the longer-term risks to international security and stability posed by such

programmes and activities. Other witnesses spoke of a sense of a '*creeping tide*' of proliferation and growth in the nuclear, biological, chemical and ballistic missile capabilities of states of concern.

426. The Prime Minister told us that, even before the attacks of 11 September 2001, his concern in this area was increasingly causing him to examine more proactive policy options. He also described to us the way in which the events of 11 September 2001 led him to conclude that policy had to change. He and other witnesses told us of the impact on policy-making of the changed calculus of threat that emerged from those attacks - of the risk of unconventional weapons in due course becoming available to terrorists and extremists seeking to cause mass casualties unconstrained by the fear of alienating their supporters or the public, or by considerations of personal safety. The Prime Minister's view was that a stand had to be taken, and a more active policy put in place to prevent the continuing development and proliferation of nuclear, biological and chemical weapons and technology in breach of the will of the international community. We describe at Chapter 4 the new counter-proliferation machinery put in place in summer 2002 to implement that policy.

427. **The developing policy context of the previous four years, and especially the impact of the events of 11 September 2001, formed the backdrop for changes in policy towards Iraq in early 2002. The Government's conclusion in the spring of 2002 that stronger action (although not necessarily military action) needed to be taken to enforce Iraqi disarmament was not based on any new development in the current intelligence picture on Iraq.** In his evidence to us, the Prime Minister endorsed the view expressed at the time that what had changed was not the pace of Iraq's prohibited weapons programmes, which had not been dramatically stepped up, but tolerance of them following the attacks of 11 September 2001. **When the Government concluded that action going beyond the previous policy of containment needed to be taken, there were many grounds for concern arising from Iraq's past record and behaviour. There was a clear view that, to be successful, any new action to enforce Iraqi compliance with its disarmament obligations would need to be backed with the credible threat of force. But there was no recent intelligence that would itself have given rise to a conclusion that Iraq was of more immediate concern than the activities of some other countries.**

428. Other factors clearly influenced the decision to focus on Iraq. The Prime Minister told us that, whilst on some perspectives the activities of other states might be seen as posing more direct challenges to British interests, **the Government, as well as being influenced by the concerns of the US Government, saw a need for immediate action on Iraq because of the wider historical and international context, especially Iraq's perceived continuing challenge to the authority of the United Nations. The Government also saw in the United Nations and a decade of Security Council Resolutions a basis for action through the United Nations to enforce Iraqi compliance with its disarmament obligations.**

429. **The Government considered in March 2002 two options for achieving the goal of Iraqi disarmament – a toughening of the existing containment policy; and regime change by military means. Ministers were advised that, if regime change was the chosen policy, only the use of overriding force in a ground campaign would achieve the removal of Saddam Hussein and Iraq’s re-integration with the international community. Officials noted that regime change of itself had no basis in international law; and that any offensive military action against Iraq could only be justified if Iraq were held to be in breach of its disarmament obligations under United Nations Security Council Resolution 687 or some new resolution. Officials also noted that for the five Permanent Members of the Security Council and the majority of the 15 members of the Council to take the view that Iraq was in breach of its obligations under Resolution 687, they would need to be convinced that Iraq was in breach of its obligations; that such proof would need to be incontrovertible and of large-scale activity; but that the intelligence then available was insufficiently robust to meet that criterion.**
430. This advice, and a parallel JIC assessment, formed part of the background for the Prime Minister’s meeting with President Bush at Crawford on 6–7 April 2002. The themes of the British Government’s policy framework established as a result of that meeting and work in subsequent months echoed those of 1998 - the importance of the United Nations; the need to get United Nations inspectors back into Iraq; and the value of increasing pressure on the Iraqi regime, including through military action.
431. **Intelligence on Iraqi nuclear, biological, chemical and ballistic missile programmes was used in support of the execution of this policy**, for three main purposes:
- a. **To inform planning for a military campaign** if that should be necessary, in particular, in relation to unconventional weapons, for providing the necessary safeguards for coalition troops, diplomatic personnel and others; and for targeting.
  - b. **To inform domestic and international opinion** of the UK’s assessment of Iraq’s holdings, programmes and intentions, **in support of the Government’s advocacy of its changing policy towards Iraq.**
  - c. **To obtain and provide information to United Nations inspectors** about the likely locations of weapons and programmes which contravened the terms of United Nations Security Council resolutions.
432. We draw our Conclusions on the sources, assessment and use of intelligence in the following paragraphs against that policy background. In doing so, we are conscious that **Iraq was not the only issue on which the intelligence agencies, the JIC and the departments concerned were working during this period.** It is a common temptation for reviews of this nature to comment as if those concerned were doing nothing else and should have had their attention concentrated full-time on the subject under review. In this case, for much of the period up to mid-2002, many other issues were more

demanding of the intelligence community's and policy-makers' time and attention. Iraq loomed large from mid-2002 onwards. But even then **other matters, including terrorism and the activities of other countries of concern, were requiring intensive day-to-day observation and action**, including continuing operations in Afghanistan and the crisis between India and Pakistan.

## THE SOURCES OF INTELLIGENCE

433. Iraq was a very difficult intelligence target. **Between 1991 and 1998, the bulk of information used in assessing the status of Iraq's biological, chemical and ballistic missile programmes was derived from UNSCOM reports.** In 1995, knowledge was significantly boosted by the defection of Hussein Kamil. But, **after the departure of United Nations inspectors in December 1998, information sources were sparse, particularly on Iraq's chemical and biological weapons programmes.**
434. In Spring 2000, intelligence was obtained from a significant new source via a liaison service on mobile biological agent production facilities. During 2002, additional human intelligence reporting was obtained by the UK. Nevertheless **the number of primary human intelligence sources remained few** (although they drew on a wider number of sub-sources and sub-sub-sources). As Section 5.9 explains, SIS had five main sources. Two of those were dominant, in terms of both the number of reports and influence on JIC assessments.
435. Furthermore, SIS did not generally have agents with first-hand, inside knowledge of Iraq's nuclear, chemical, biological or ballistic missile programmes. As a result, intelligence reports were mainly inferential. **Other intelligence sources provided valuable information on other activity, including overseas procurement activity. They did not generally provide confirmation of the intelligence received from human sources, but did contribute to the picture of the continuing intention of the Iraqi regime to pursue its prohibited weapons programmes.**
436. **Validation of human intelligence sources after the war has thrown doubt on a high proportion of those sources and of their reports, and hence on the quality of the intelligence assessments received by Ministers and officials in the period from summer 2002 to the outbreak of hostilities. Of the main human intelligence sources** described above:
- a. **One SIS main source reported authoritatively on some issues, but on others was passing on what he had heard within his circle.**
  - b. **Reporting from a sub-source to a second SIS main source that was important to JIC assessments on Iraqi possession of chemical and biological weapons must be open to doubt.**
  - c. **Reports from a third SIS main source have been withdrawn as unreliable.**

- d. **Reports from two further SIS main sources continue to be regarded as reliable, although it is notable that their reports were less worrying than the rest about Iraqi chemical and biological weapons capabilities.**
  - e. **Reports received from a liaison service on Iraqi production of biological agent were seriously flawed, so that the grounds for JIC assessments drawing on those reports that Iraq had recently-produced stocks of biological agent no longer exist.**
437. We have considered why such a high proportion of human intelligence reports should have been withdrawn or subsequently be subject to doubt.
438. One reason which is frequently suggested is that, in the case of Iraq, there was over-reliance on emigré and dissident sources, who had their own motives for exaggerating the dangers presented by the Iraq regime. But, after examination, **we do not believe that over-reliance on dissident and emigré sources was a major cause of subsequent weaknesses in the human intelligence relied on by the UK.** The important source on Iraqi biological agent production capabilities was a refugee. But his reporting was treated with some caution by the JIC until it appeared to be confirmed by other human intelligence. The subsequent need to withdraw a key part of the reporting received through the liaison service arose as a result of misunderstandings, not because of the source's status.
439. A new sub-source to another main source, who provided a significant proportion of influential human intelligence reporting, turned out to have links to opposition groups of which SIS only later became aware. But SIS, once they knew of those links, warned readers in their reports of the risk of embellishment. And the serious doubts that have subsequently arisen on the quality of his reporting do not arise from issues connected with his dissident status.
440. **One reason for the number of agents whose reports turned out to be unreliable or questionable may be the length of the reporting chains.** Even when there were sources who were shown to be reliable in some areas of reporting, they had in other areas of intelligence concern where they did not have direct knowledge to draw on sub-sources or sub-sub-sources. This was the case with the first of the two dominant sources.
441. **Another reason may be that agents who were known to be reliable were asked to report on issues going well beyond their usual territory,** leading to intelligence reports which were more speculative than they would have provided on their own specialisms. We believe this to have been the case with some aspects of the reporting of the second of the two dominant sources.
442. **A third reason may be that, because of the scarcity of sources and the urgent requirement for intelligence, more credence was given to untried agents than would normally be the case.** This was the case with the report received between the JIC assessment of 9 September 2002 and the publication of the Government's dossier in September 2002.

443. We believe that **a major underlying reason for the problems that have arisen was the difficulty of achieving reliable human intelligence on Iraq**. Part of the difficulty faced by SIS in recruiting and running reliable agents came from the nature and brutality of the Iraqi regime. The nature of Iraq after the war might also have had its own effect, with the risk that some of the informants may have reported reliably but had reasons after the war to deny having provided information.
444. **However, even taking into account the difficulty of recruiting and running reliable agents on Iraqi issues, we conclude that part of the reason for the serious doubt being cast over a high proportion of human intelligence reports on Iraq arises from weaknesses in the effective application by SIS of its validation procedures and in their proper resourcing**. We received evidence from two witnesses about the impact of organisational changes in parts of SIS relevant to our Review. Following reductions in SIS's budget in the mid-1990s, these were made with the goal of making overall staff savings and freeing experienced case officers for operational work. This weakened SIS's internal processes for the quality assurance of agents. One of those witnesses also noted that the level of staff effort applied to geographical and functional tasks relevant to our Review was too thin to support SIS's responsibilities. We believe that the validation of some sources on Iraq suffered as a consequence of both problems.
445. The Chief of SIS acknowledged to us that a problem had arisen. He attributed it primarily to the shortage of experienced case officers following the rundown of the size of SIS in the 1990s. **Our Review has shown the vital importance of effective scrutiny and validation of human intelligence sources and of their reporting to the preparation of accurate JIC assessments and high-quality advice to Ministers. We urge the Chief of SIS to ensure that this task is properly resourced and organised to achieve that result, and we think that it would be appropriate if the Intelligence and Security Committee were to monitor this.**

## ASSESSMENT

446. We have examined the way in which raw intelligence was analysed and assessed over the period and then incorporated into JIC assessments for Ministers and other senior readers. In particular, we have looked at whether:
- a. The material in intelligence reports was correctly treated as it passed along the chain from agent reports through analysis into JIC assessments, and that it did not suffer as a result of compression or incorrect translation from one stage to the next.
  - b. Analysis or assessment appears to have been coloured by departmental policy or other agendas.
  - c. Assessment had access to and made full use of available technical expertise.
447. Drawing on our conclusions on these issues, we have then examined and drawn conclusions on the quality of the JIC assessments we read on Iraq's nuclear, biological,

chemical and ballistic missile programmes. We have looked in particular at the degree of analytical rigour applied across the range of assessments we have read, especially to see whether there developed within the intelligence community over a decade of analysis and assessment 'Group Think' or a 'prevailing wisdom'. That has led us to look at whether sufficient challenge was applied to analysis and assessment, and whether readers of JIC assessments and the JIC itself were sufficiently alerted to the existence of dissenting or alternative views.

448. In doing so, we decided to study JIC assessments and the intelligence reports that underlay them as far back as 1990, to seek to establish in particular:
- a. Whether there were any issues surrounding the operation of the intelligence assessment process over more than a decade which might have affected JIC assessments in the period prior to the second Gulf war.
  - b. Whether assessments made about the scale of Iraq's nuclear, biological, chemical and ballistic missile programmes at the time of the first Gulf war and during the early- and mid-1990s had an impact which was still reflected in JIC assessments made in 2002 and 2003.

#### The treatment of intelligence material

449. **In general, we found that the original intelligence material was correctly reported in JIC assessments. An exception was the '45 minute' report. But this sort of example was rare** in the several hundred JIC assessments we read on Iraq. In general, we also found that the reliability of the original intelligence reports was fairly represented by the use of accompanying qualifications. **We should record in particular that we have found no evidence of deliberate distortion or of culpable negligence.**

#### The effect of departmental policy agendas

450. We examined JIC assessments to see whether there was evidence that the judgements inside them were systematically distorted by non-intelligence factors, in particular the influence of the policy positions of departments. **We found no evidence of JIC assessments and the judgements inside them being pulled in any particular direction to meet the policy concerns of senior officials on the JIC.**

#### Access to technical and other expertise

451. **We conclude in general that the intelligence community made good use of the technical expertise available to the Government**, for example in the DIS or from the Atomic Weapons Establishment at Aldermaston and the Defence Science and Technology Laboratory: Porton Down, both through consultation and secondments. An example of the strength of this network of expertise came in the assurances we were given that technical experts both in the DIS and elsewhere were consulted on the question of

whether the aluminium tubes were likely to have been intended for a centrifuge facility for nuclear enrichment.

452. **We accept the need for careful handling of human intelligence reports to sustain the security of sources. We have, however, seen evidence of difficulties that arose from the unduly strict ‘compartmentalisation’ of intelligence** which meant that experts in DIS did not have access to an intelligence report which became available in September 2002 and played a major role for the JIC in confirming previous intelligence reports that Iraq was producing chemical and biological weapons. The report was later withdrawn in July 2003. We accept that this report was from a new source who was thought to be of great potential value and was therefore of extreme sensitivity. Nevertheless, **it was wrong that a report which was of significance in the drafting of a document of the importance of the dossier was not shown to key experts in the DIS who could have commented on the validity and credibility of the report. We conclude that arrangements should always be sought to ensure that the need for protection of sources should not prevent the exposure of reports on technical matters to the most expert available analysis.**

#### The quality of JIC assessments

453. **We were impressed by the quality of intelligence assessments on Iraq’s nuclear capabilities.** They were in our view thorough, balanced and measured; brought together effectively human and technical intelligence information; included information on the perceived quality of the underlying intelligence sources to help readers in interpreting the material; identified explicitly those areas where previous assessments were wrong, and the reasons why; and at each significant stage included consideration of alternative hypotheses and scenarios, and provided an explanation of the consequences were any one to arise, to aid readers’ understanding.
454. **Partly because of inherent difficulties in assessing chemical and biological programmes, JIC assessments on Iraq’s chemical and biological weapons programmes were less assured.** In our view, assessments in those areas tended to be over-cautious and in some areas worst case. Where there was a balance of inference to be drawn, it tended to go in the direction of inferring the existence of banned weapons programmes. Assessments were as a consequence less complete, especially in their considerations of alternative hypotheses, and used a different burden of proof.
455. There are some general factors which will always complicate assessments of chemical and biological weapons programmes. In our review of intelligence on the nuclear, biological and chemical programmes of other states, we saw an equivalent complexity in making judgements on their status. **The most significant is the ‘dual use’ issue - because chemical and biological weapons programmes can draw heavily on ‘dual use’ materials, it is easier for a proliferating state to keep its programmes covert.**

456. **There were also Iraq-specific factors. The intelligence community will have had in mind that Iraq had not only owned but used its chemical weapons in the past. It will inevitably have been influenced by the way in which the Iraqi regime was engaged in a sustained programme to try to deceive United Nations inspectors** and to conceal from them evidence of its prohibited programmes. Furthermore, because SIS did not have agents with first-hand knowledge of Iraq's nuclear, chemical, biological or ballistic missile programmes, **most of the intelligence reports on which assessments were being made were inferential. The Assessments Staff and JIC were not fully aware of the access and background of key informants, and could not therefore read their material against the background of an understanding of their motivations** for passing on information.
457. We have also noted in the papers we have read that the **broad conclusions of the UK intelligence community (although not some particular details) were widely-shared by other countries**, especially the assessment that it was likely that Iraq had, or could produce, chemical and biological weapons which it might use in circumstances of extremity. We note that Dr Blix, Executive Chairman of UNMOVIC, has said<sup>19</sup> that:
- My gut feelings, which I kept to myself, suggested to me that Iraq still engaged in prohibited activities and retained prohibited items, and that it had the documents to prove it.*
- Where doubts existed, they were about the extent to which the intelligence amounted to proof, as opposed to balance of probability.
458. However, **we detected a tendency for assessments to be coloured by over-reaction to previous errors**. Past under-estimates had a more lasting impact on the assessment process than past over-estimates, when both should have been as deserving of attention. We have also noted that where for good reasons<sup>20</sup> the JIC chose to adopt a worst case estimate (which in most cases it described as such) there was a tendency for that basis of calculation not to be made clear in later assessments. **As a result, there was a risk of over-cautious or worst case estimates, shorn of their caveats, becoming the 'prevailing wisdom'**. Subsequent Iraqi declarations being tested against such estimates for truthfulness would have been seen as falling short - a view that will have been reinforced by proven shortfalls in Iraqi declarations during the early- and mid-1990s and by Iraqi prevarication, concealment and deception.
459. **The JIC may, in some assessments, also have misread the nature of Iraqi governmental and social structures**. The absence of intelligence in this area may also have hampered planning for the post-war phase on which departments did a great deal of work. We note that the collection of intelligence on Iraq's prohibited weapons programmes was designated as being a JIC First Order of Priority whereas intelligence

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<sup>19</sup> Dr Hans Blix, "Disarming Iraq" (Bloomsbury, London, 2004), page 112.

<sup>20</sup> In particular, in relation to chemical and biological weapons it would have been irresponsible in the highest degree to send armed forces into battle on the assumption that Iraq did not have chemical or biological weapons and would not use them.

on Iraqi political issues was designated as being Third Order. The membership of the JIC is broad enough to allow such wider evidence to be brought to bear. **We emphasise the importance of the Assessments Staff and the JIC having access to a wide range of information, especially in circumstances (e.g. where the UK is likely to become involved in national reconstruction and institution-building) where information on political and social issues will be vital.**

## THE USE OF INTELLIGENCE

### The Government's dossiers

460. **The main vehicle for the Government's use of intelligence in the public presentation of policy was the dossier of September 2002 and accompanying Ministerial statements.** (The dossier of February 2003 has been fully dealt with in the ISC Report and we make no further comment on it here, except to endorse the conclusion accepted by the Government that the procedures followed in producing it were unsatisfactory and should not be repeated.)
461. **The dossier broke new ground in three ways: the JIC had never previously produced a public document; no Government case for any international action had previously been made to the British public through explicitly drawing on a JIC publication; and the authority of the British intelligence community, and the JIC in particular, had never been used in such a public way.**
462. **The dossier was not intended to make the case for a particular course of action in relation to Iraq. It was intended by the Government to inform domestic and international understanding of the need for stronger action (though not necessarily military action) - the general direction in which Government policy had been moving since the early months of 2002, away from containment to a more proactive approach to enforcing Iraqi disarmament.** The Government's wish to give its case greater objectivity and credibility led to the Government's decision to commission the JIC to produce the dossier and to make public the JIC's authorship of it. The Chairman of the JIC accepted responsibility for its production with the intention of ensuring that it did not go beyond the judgements which the JIC had reached. He and the JIC therefore took on the ownership of it.
463. **The Government wanted an unclassified document on which it could draw in its advocacy of its policy. The JIC sought to offer a dispassionate assessment of intelligence and other material on Iraqi nuclear, biological, chemical and ballistic missile programmes. The JIC, with commendable motives, took responsibility for the dossier, in order that its content should properly reflect the judgements of the intelligence community. They did their utmost to ensure this standard was met. But this will have put a strain on them in seeking to maintain their normal standards of neutral and objective assessment.**

464. **Strenuous efforts were made to ensure that no individual statements were made in the dossier which went beyond the judgements of the JIC. But, in translating material from JIC assessments into the dossier, warnings were lost about the limited intelligence base on which some aspects of these assessments were being made.** The Government would have seen these warnings in the original JIC assessments and taken them into account in reading them. But the public, through reading the dossier, would not have known of them. The dossier did contain a chapter on the role of intelligence. But the **language in the dossier may have left with readers the impression that there was fuller and firmer intelligence behind the judgements than was the case: our view, having reviewed all of the material, is that judgements in the dossier went to (although not beyond) the outer limits of the intelligence available.** The Prime Minister's description, in his statement to the House of Commons on the day of publication of the dossier, of the picture painted by the intelligence services in the dossier as "*extensive, detailed and authoritative*" may have reinforced this impression.
465. **We conclude that it was a serious weakness that the JIC's warnings on the limitations of the intelligence underlying its judgements were not made sufficiently clear in the dossier.**
466. **We understand why the Government felt it had to meet the mounting public and Parliamentary demand for information. We also recognise that there is a real dilemma between giving the public an authoritative account of the intelligence picture and protecting the objectivity of the JIC from the pressures imposed by providing information for public debate. It is difficult to resolve these requirements. We conclude, with the benefit of hindsight, that making public that the JIC had authorship of the dossier was a mistaken judgement, though we do not criticise the JIC for taking responsibility for clearance of the intelligence content of the document. However, in the particular circumstances, the publication of such a document in the name and with the authority of the JIC had the result that more weight was placed on the intelligence than it could bear. The consequence also was to put the JIC and its Chairman into an area of public controversy and arrangements must be made for the future which avoid putting the JIC and its Chairman in a similar position.**
467. We recognise that there will be a dilemma if intelligence-derived material is in future to be put into the public domain. If future documents are published solely in the name of the Government, it is inevitable that Ministers will be asked if the JIC has endorsed the intelligence assessments inside them. But **we believe that there are other options that should be examined for the ownership of drafting, for gaining the JIC's endorsement of the intelligence material and assessments that are quoted and for subsequent 'branding'. One is for the government of the day to draft a document, to gain the JIC's endorsement of the intelligence material inside it and then to publish it acknowledging that it draws on intelligence but without ascribing it to the JIC. Or the Government, if it**

wishes to seek the JIC's credibility and authority, could publish a document with intelligence material and the JIC's endorsement of it shown separately. Or the JIC could prepare and publish itself a self-standing assessment, incorporating all of its normal caveats and warnings, leaving it to others to place that document within a broader policy context. This may make such documents less persuasive in making a policy case; but that is the price of using a JIC assessment. Our conclusion is that, between these options, the first is greatly preferable. Whichever route is chosen, JIC clearance of the intelligence content of any similar document will be essential.

468. Furthermore, **we conclude that, if intelligence is to be used more widely by governments in public debate in future, those doing so must be careful to explain its uses and limitations. It will be essential, too, that clearer and more effective dividing lines between assessment and advocacy are established when doing so.**
469. In reaching these conclusions, **we realise that our conclusions may provoke calls for the current Chairman of the JIC, Mr Scarlett, to withdraw from his appointment as the next Chief of SIS. We greatly hope that he will not do so. We have a high regard for his abilities and his record.** Once the Government had decided to produce a dossier based on intelligence, he and the JIC took on ownership of it with the excellent motive of ensuring that everything it said was consistent with JIC judgements. We have said above that it was a mistaken judgement for the dossier to be so closely associated with the JIC but it was a collective one for which the Chairman of the JIC should not bear personal responsibility.

#### Intelligence and the legality of the use of military force

470. As described in Section 5.7, **the part played by intelligence in determining the legality of the use of force was limited.** The criterion which the Attorney General advised the Government to apply was the degree of Iraq's compliance and co-operation with United Nations Security Council Resolution 1441.
471. The Government received on 18 December the JIC's initial assessment on the quality of Iraq's declaration of 7 December, called for under Resolution 1441, on the status of its prohibited programmes. The Government also received in the period between September 2002 and March 2003 a significant stream of intelligence reports about attempts by the Iraqi regime at concealment, as well as information about the results of UNMOVIC and IAEA inspections inside Iraq, captured in the reports provided to the United Nations Security Council.

472. Even so **we have noted that, despite its importance to the determination of whether Iraq was in further material breach of its obligations under Resolution 1441, the JIC made no further assessment of the Iraqi declaration beyond its ‘Initial Assessment’. We have also recorded our surprise that policy-makers and the intelligence community did not, as the generally negative results of UNMOVIC inspections became increasingly apparent, re-evaluate in early-2003 the quality of the intelligence.**

## VALIDATION OF THE INTELLIGENCE

473. As we set out at the start of this Chapter, we sought in our Review to assess the intelligence on Iraqi capabilities to enable us to answer three broad questions:
- a. What was the quality of the intelligence and other evidence, and the assessments made of it, about the **strategic intent** of the Iraqi regime to pursue nuclear, biological, chemical or ballistic missile programmes in contravention of its obligations under United Nations Security Council Resolution 687?
  - b. What was the quality of the intelligence or other evidence, and the assessments made of it, about Iraq seeking to sustain and develop its indigenous knowledge, skills and materiel base which would provide it with a **‘break-out’ capability** in each of those fields? Was there in particular good intelligence or other evidence of Iraq pursuing activities to extend and enhance those capabilities in contravention of its obligations under United Nations Security Council Resolutions?
  - c. What was the quality of the intelligence or other evidence, and the assessments made of it, about Iraqi **production** or **possession** of prohibited chemical and biological agents and weapons, nuclear materials and ballistic missiles?
474. **Even now it would be premature to reach conclusions about Iraq’s prohibited weapons. Much potential evidence may have been destroyed in the looting and disorder that followed the cessation of hostilities. Other material may be hidden in the sand, including stocks of agent or weapons. We believe that it would be a rash person who asserted at this stage that evidence of Iraqi possession of stocks of biological or chemical agents, or even of banned missiles, does not exist or will never be found. But as a result of our Review, and taking into account the evidence which has been found by the ISG and de-briefing of Iraqi personnel, we have reached the conclusion that prior to the war the Iraqi regime:**
- a. **Had the strategic intention of resuming the pursuit of prohibited weapons programmes, including if possible its nuclear weapons programme, when United Nations inspection regimes were relaxed and sanctions were eroded or lifted.**

- b. In support of that goal, was carrying out illicit research and development, and procurement, activities, to seek to sustain its indigenous capabilities.**
- c. Was developing ballistic missiles with a range longer than permitted under relevant United Nations Security Council resolutions; but did not have significant - if any - stocks of chemical or biological weapons in a state fit for deployment, or developed plans for using them.**



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## CHAPTER 6

### IRAQ: SPECIFIC ISSUES

#### 6.1 INTRODUCTION

475. In this Chapter, we consider a number of detailed issues arising from the intelligence on Iraq's nuclear, biological, chemical and ballistic missile programmes that have attracted particular controversy or which illuminate our analysis of the quality of the intelligence and the effectiveness of the way in which it was handled.

#### 6.2 LINKS BETWEEN AL QAIDA AND THE IRAQI REGIME

476. We start with the intelligence available to the Joint Intelligence Committee (JIC), and the assessments made of it, on links between Al Qaida and the Iraqi regime, and of the availability to Al Qaida of chemical and biological weapons as a possible consequence.

#### THE 'POISON CELL' IN KURDISH NORTHERN IRAQ

477. In the wake of the overthrow of the Taliban in Afghanistan, a number of Al Qaida refugees arrived in the Kurdish Autonomous Zone (KAZ) outside Baghdad's control.

478. Between October 2002 and February 2003, the JIC described their presence and operations<sup>1</sup>, including the production of various poisons, in three assessments.

479. We conclude having read these assessments that **the JIC made it clear that the Al Qaida-linked facilities in the Kurdish Ansar al Islam area were involved in the production of chemical and biological agents, but that they were beyond the control of the Iraqi regime.**

480. Fixed installations associated with Ansar al Islam were destroyed by air strikes in March 2003.

#### CO-OPERATION BETWEEN THE IRAQI REGIME AND AL QAIDA

481. There was, however, other evidence of an association between the Iraqi regime and Al Qaida. Contacts between Al Qaida and the Iraqi Directorate General of Intelligence had dated back over four years. "*Fragmentary and uncorroborated*" intelligence reports suggested that in 1998 there were contacts between Al Qaida and Iraqi intelligence. Those reports described Al Qaida seeking toxic chemicals as well as other conventional terrorist equipment. Some accounts suggested that Iraqi chemical experts may have been in Afghanistan during 2000. But in November 2001, the JIC concluded that:

*. . . there is no evidence that these contacts led to practical co-operation; we judge it unlikely because of mutual mistrust.*

[JIC, 28 November 2001]

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<sup>1</sup> A photograph of one of their facilities was used to illustrate Secretary of State Powell's speech to the United Nations Security Council on 5 February 2003.

482. Following the expulsion of Al Qaida from Afghanistan and their arrival in northern Iraq, Abu Musab al Zarqawi (a senior Al Qaida figure) was relatively free to travel within Iraq proper and to stay in Baghdad for some time. Several of his colleagues visited him there. In October 2002, the JIC said that:

*Although Saddam's attitude to Al Qaida has not always been consistent, he has generally rejected suggestions of cooperation. Intelligence nonetheless indicates that . . . meetings have taken place between senior Iraqi representatives and senior Al Qaida operatives. Some reports also suggest that Iraq may have trained some Al Qaida terrorists since 1998. Al Qaida has shown interest in gaining chemical and biological (CB) expertise from Iraq, but we do not know whether any such training was provided. We have no intelligence of current cooperation between Iraq and Al Qaida and do not believe that Al Qaida plans to conduct terrorist attacks under Iraqi direction.*

[JIC, 10 October 2002]

483. By March 2003, the JIC was able to add further information that al Zarqawi's activities might be of military significance:

*Reporting since [February] suggests that senior Al Qaida associate Abu Musab al Zarqawi has established sleeper cells in Baghdad, to be activated during a US occupation of the city. These cells apparently intend to attack US targets using car bombs and other weapons. (It is also possible that they have received CB materials from terrorists in the KAZ.) Al Qaida-associated terrorists continued to arrive in Baghdad in early March.*

[JIC, 12 March 2003]

484. We conclude that **the JIC made clear that, although there were contacts between the Iraqi regime and Al Qaida, there was no evidence of co-operation.** It did warn of the possibility of terrorist attacks on coalition forces in Baghdad.

### 6.3 OPERATION MASS APPEAL

485. In November 2003, the former United Nations weapons inspector Scott Ritter was reported to have told journalists that, in the late-1990s, the Secret Intelligence Service (SIS) ran "Operation Mass Appeal" – an alleged disinformation campaign to disseminate "single source data of dubious quality" about Iraq, in order to "shake up public opinion".

486. Mr Ritter was quoted as follows:

*I was brought into the operation in 1997 because at the UN . . . I sat on a body of data which was not actionable, but was sufficiently sexy that if it could appear in the press could make Iraq look like in a bad way.*

*I was approached by MI6 to provide that data, I met with the Mass Appeal operatives both in New York and London on several occasions. This data was provided and this data did find its way into the international media.*

*It was intelligence data that dealt with Iraq's efforts to procure WMDs, with Iraq's efforts to conceal WMDs. It was all single source data of dubious quality, which lacked veracity.*

*They took this information and peddled it off to the media, internationally and domestically, allowing inaccurate intelligence data to appear on the front pages.*

*The government, both here in the UK and the US, would feed off these media reports, continuing the perception that Iraq was a nation ruled by a leader with an addiction to WMDs.*

[BBC News, 12 November 2003]

487. Mr Ritter was reported as saying that he was prepared to reveal details before a public inquiry.
488. We took evidence from Mr Ritter, including on Operation Mass Appeal. Mr Ritter said that Operation Mass Appeal was already up and running when SIS approached him in December 1997. He was asked if there was material on Iraq's weapons programmes on which the United Nations Special Commission (UNSCOM) could not act, but which might be made public through media outlets in a range of countries. Mr Ritter said that Mr Richard Butler, the then Executive Chairman of UNSCOM, agreed that UNSCOM should co-operate with the UK in this way and that two reports relating to prohibited trade between Iraq and two other countries were passed to the UK the same month. UNSCOM's involvement then fell into abeyance until May 1998 when contact resumed. Mr Ritter said that he met SIS officers again in June 1998 to discuss Operation Mass Appeal for the last time. He resigned from UNSCOM soon after that.
489. We have examined relevant SIS papers. These confirm that **there were two meetings between British Government officials and UNSCOM representatives, including Mr Ritter, in May and June 1998 at which there were discussions about how to make public the discovery of traces of the nerve agent VX on missile warheads after this fact had been reported to the United Nations Security Council. (Iraq had previously denied weaponising VX.) Operation Mass Appeal was set up for this specific purpose and did not exist before May 1998. In the event, before Operation Mass Appeal could proceed, the UNSCOM report was leaked to the press in Washington. Because of this, Operation Mass Appeal was abandoned.**

## 6.4 URANIUM FROM AFRICA

490. There has been significant controversy surrounding the reliability of Government statements about Iraqi attempts to buy uranium from Africa. We have therefore studied this issue in detail.
491. Natural uranium is the necessary starting point for all nuclear developments (whether for weapons or civil power). In the late 1970s, Iraq obtained large quantities of uranium ore from Niger, Portugal and Brazil. By the mid-1980s, however, Iraq had become self-sufficient in uranium ore, which was a by-product of indigenous phosphate mines at

Akashat and purifying plants at Al Qaim and Al Jazira which extracted and purified the uranium ore for subsequent use in nuclear enrichment processes.

492. In the course of the first Gulf war, the facilities involved in this indigenous route were severely damaged. Subsequently, the International Atomic Energy Agency (IAEA) supervised the dismantlement of all the facilities that Iraq had built to process, enrich and fabricate uranium, and removed all potentially fissile material. Some unprocessed uranium ore was left in country, but under IAEA safeguards and subject to regular inspections. Iraq would therefore have had to seek imports of uranium or uranium ore if it wished to restart its nuclear programme covertly.
493. In early 1999, Iraqi officials visited a number of African countries, including Niger. The visit<sup>2</sup> was detected by intelligence, and some details were subsequently confirmed by Iraq. The purpose of the visit was not immediately known. But uranium ore accounts for almost three-quarters of Niger's exports. Putting this together with past Iraqi purchases of uranium ore from Niger, the limitations faced by the Iraq regime on access to indigenous uranium ore and other evidence of Iraq seeking to restart its nuclear programme, the JIC judged that Iraqi purchase of uranium ore could have been the subject of discussions and noted in an assessment in December 2000 that:

*. . . unconfirmed intelligence indicates Iraqi interest in acquiring uranium.*

[JIC, 1 December 2000]

494. There was further and separate intelligence that in 1999 the Iraqi regime had also made inquiries about the purchase of uranium ore in the Democratic Republic of Congo. In this case, there was some evidence that by 2002 an agreement for a sale had been reached.
495. During 2002, the UK received further intelligence from additional sources which identified the purpose of the visit to Niger as having been to negotiate the purchase of uranium ore, though there was disagreement as to whether a sale had been agreed and uranium shipped.
496. This evidence underlay the statement in the Executive Summary of the Government's dossier of September 2002 that:

*As a result of the intelligence we judge that Iraq has:*

*. . .*

- tried covertly to acquire technology and materials which could be used in the production of nuclear weapons;*
- sought significant quantities of uranium from Africa, despite having no active civil nuclear power programme that could require it . . .*

and in Chapter 3 of Part 1 of the Government's dossier that:

*The main conclusions are that:*

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<sup>2</sup> This visit was separate from the Iraqi-Nigerien discussions, in the margins of the mid-1999 Organisation of African Unity meeting in Algiers, attested to by Ambassador Wilson in his book "The Politics of Truth" (Carroll & Graf, NY 2004, p28).

...

- *Saddam continues to attach great importance to the possession of weapons of mass destruction and ballistic missiles which he regards as being the basis for Iraq's regional power. He is determined to retain these capabilities;*

...

- *Iraq continues to work on developing nuclear weapons, in breach of its obligations under the Non-Proliferation Treaty and in breach of UNSCR 687. Uranium has been sought from Africa that has no civil nuclear application in Iraq.*

and:

*Iraq's known holdings of processed uranium are under IAEA supervision. But there is intelligence that Iraq has sought the supply of significant quantities of uranium from Africa. Iraq has no active civil nuclear power programme or nuclear power plants and therefore has no legitimate reason to acquire uranium.*

497. In preparing the dossier, the UK consulted the US. The CIA advised caution about any suggestion that Iraq had succeeded in acquiring uranium from Africa, but agreed that there was evidence that it had been sought.

498. The range of evidence described above underlay the relevant passage in the Prime Minister's statement in the House of Commons on 24 September 2002 that:

*In addition, we know that Saddam has been trying to buy significant quantities of uranium from Africa, although we do not know whether he has been successful.*

499. We conclude that, on the basis of the intelligence assessments at the time, covering both Niger and the Democratic Republic of Congo, the statements on Iraqi attempts to buy uranium from Africa in the Government's dossier, and by the Prime Minister in the House of Commons, were well-founded. By extension, we conclude also that the statement in President Bush's State of the Union Address of 28 January 2003 that:

*The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.*

was well-founded.

500. We also note that, because the intelligence evidence was inconclusive, neither the Government's dossier nor the Prime Minister went on to say that a deal between the Governments of Iraq and Niger for the supply of uranium had been signed, or uranium shipped.

501. We have been told that it was not until early 2003 that the British Government became aware that the US (and other states) had received from a journalistic source a number of documents alleged to cover the Iraqi procurement of uranium from Niger. Those documents were passed to the IAEA, which in its update report to the United Nations Security Council in March 2003 determined that the papers were forgeries:

*The investigation was centred on documents provided by a number of States that pointed to an agreement between Niger and Iraq for the sale of uranium to Iraq between 1999 and 2001. The IAEA has discussed these reports with the Governments of Iraq and Niger, both of which have denied that any such activity took place. For its part, Iraq has provided the IAEA with a comprehensive explanation of its relations with Niger, and has described a visit by an Iraqi official to a number of African countries, including Niger, in February 1999, which Iraq thought might have given rise to the reports. The IAEA was able to review correspondence coming from various bodies of the Government of Niger, and to compare the form, format, contents and signatures of that correspondence with those of the alleged procurement-related documentation. Based on thorough analysis, the IAEA has concluded, with the concurrence of outside experts, that these documents, which formed the basis for the reports of recent uranium transactions between Iraq and Niger, are in fact not authentic. We have therefore concluded that these specific allegations are unfounded.*

[IAEA GOV/INF/2003/10 Annex of 7 March 2003]

502. We have asked the IAEA what were their grounds for concluding that the visit paid by an Iraqi official to Africa was not for the purpose of acquiring uranium. The IAEA said:

*. . . the Director General explained in his report dated 7 March 2004 [sic] to the UN Security Council that Iraq "described the visit by an Iraqi official to a number of African countries, including Niger, in February 1999, which Iraq thought might have given rise to the reports". On a number of occasions in early 2003, including in a letter dated 1 February 2003, the IAEA requested Iraq to provide details of all meetings held between Iraqi officials and officials from Niger around the year 2000. The Director of Iraq's National Monitoring Directorate responded in a letter of 7 February 2003 to the Director of the IAEA's Iraq Nuclear Verification Office. (It should be noted that at the time of Iraq's response Iraq had not been provided by the IAEA with any details contained in documents alleging the existence of a uranium contract.)*

*The Iraqi response referred to above explained that, on 8 February 1999, Mr. Wissam Al Zahawie, Iraq's then Ambassador to the Holy See, as part of a trip to four African countries, visited Niger as an envoy of the then President of Iraq to Mr. Ibrahim Bare, the then President of Niger, in order to deliver an official invitation for a visit to Iraq, planned for 20 to 30 April 1999. (N.B. Mr. Bare passed away on 9 April 1999.) According to the Iraqi information, no such presidential visit from Niger to Iraq took place before 2003.*

*The Iraqi authorities provided the IAEA with excerpts from Mr. Al Zahawie's travel report to Niger. These excerpts support the above explanation by the Ambassador regarding the purpose of his visit to Niger and do not contain any references to discussions about uranium supply from Niger.*

*In order to further clarify the matter, the IAEA interviewed Mr. Al Zahawie on 12 February 2003. The information provided by the Ambassador about details about his 1999 trip to Africa also supported the information obtained previously by the*

*Agency on this visit. The demeanour of the Ambassador and the general tone of the interview did not suggest that he was under particular pressure to hide or fabricate information.*

*Notwithstanding the information summarized above, and in view of the fact that the IAEA so far has not obtained any other related information than the forged documents, the IAEA is not in the position to demonstrate that Iraq never sought to import uranium in the past. This is the reason why the IAEA only concluded that it had "no indication that Iraq attempted to import uranium since 1990" but it would "follow up any additional evidence, if it emerges, relevant to efforts by Iraq to illicitly import nuclear materials". So far no such additional information has been obtained by the Agency.*

503. **From our examination of the intelligence and other material on Iraqi attempts to buy uranium from Africa, we have concluded that:**
- a. **It is accepted by all parties that Iraqi officials visited Niger in 1999.**
  - b. **The British Government had intelligence from several different sources indicating that this visit was for the purpose of acquiring uranium. Since uranium constitutes almost three-quarters of Niger's exports, the intelligence was credible.**
  - c. **The evidence was not conclusive that Iraq actually purchased, as opposed to having sought, uranium and the British Government did not claim this.**
  - d. **The forged documents were not available to the British Government at the time its assessment was made, and so the fact of the forgery does not undermine it.**

## **6.5 THE 45-MINUTE CLAIM**

504. The Government's dossier of September 2002 contained the claim based on an intelligence report that some chemical and biological weapons could be deployed by Iraq within 45 minutes of an order to use them. Much public attention has been given to the Prime Minister's statement that he was not aware until after the war that this report should have been interpreted as referring to battlefield weapons.
505. If this report was regarded as having operational significance, and if in particular it had been regarded as covering ballistic missiles (as was reported in some newspapers), this would indeed have been surprising. If, however, it referred to forward-deployed battlefield munitions, the time period given would not have been surprising or worth drawing to the Prime Minister's attention. But it was unclear, both in the JIC assessment of 9 September and in the Government's dossier, which of the two it was.

Attention has also focused on the alleged scepticism of the then US Director of Central Intelligence, Mr George Tenet, about the report, which he is quoted in Mr Bob Woodward's book, "Plan of Attack"<sup>3</sup>, as calling the "*they-can-attack-in-45-minutes shit*".

We asked the Chief of SIS, if Mr Tenet had ever mentioned his scepticism to him. He said:

*There's no record of them having commented negatively on the report and nor does the desk officer at the time recall any come-back from the CIA.*

We asked Mr Tenet directly for a comment but no reply had been received by the time that he resigned from office.

506. As the Intelligence and Security Committee (ISC) have already reported<sup>4</sup>, the underlying intelligence report referred to an average period of 20 minutes, with a maximum of 45 minutes, for 'BCW munitions' to be moved into place for an attack. It was taken into the JIC assessment of 9 September through the inclusion of a sentence which noted that:

*Intelligence also indicates that chemical and biological munitions could be with military units and ready for firing within 20-45 minutes.*

[JIC, 9 September 2002]

507. The intelligence report itself was vague and ambiguous. The time period given was the sort of period which a military expert would expect; in fact it is somewhat longer than a well-organised military unit might aspire to. For those who interpreted it as referring to battlefield munitions, therefore, its significance was that it appeared to confirm that Iraq had both forward-deployed chemical and biological munitions and the necessary command and control arrangements in place to use them, rather than the period of time within which they could be deployed.
508. The ISC commented in their report that members of the Assessments Staff stated in evidence to that Committee that they, and the people they had consulted, did not know what munitions the report was referring to or their status, nor did they know from where and to where the munitions might be moved. But they also noted that they had reached a judgement that the report was referring to the time needed to move chemical and biological battlefield munitions from where they were held in forward-deployed storage sites to pre-designated military units. The Committee went on to say that the omission from the dossier of that judgement and the context it provided allowed speculation as to the exact meaning of the report and was unhelpful to an understanding of the issue.
509. We agree with this comment. We take the view that, in this instance, the JIC should have included that judgement in its assessment of 9 September 2002 and in the dossier. Alternatively, and as suggested by one witness who gave evidence to us, a more accurate representation by the Assessments Staff of the report would have highlighted the uncertainties in the intelligence by saying:

*A source has claimed some weapons may be deployable within 45 minutes of an order to use them, but the exact nature of the weapons, the agents involved and the context of their use is not clear.*

510. The first media report of the '45 minute' story was carried in an exchange on the BBC *Today* programme about the dossier on the morning of its publication:

<sup>3</sup> Simon & Schuster, London, 2004, page 190.

<sup>4</sup> "Iraqi Weapons of Mass Destruction – Intelligence and Assessments." Cm 5972. September 2003.

*Q. . . . if you were to choose a paragraph as the most dramatic that you've read this morning what is it?*

*A. Well to be honest it's not that kind of document. It's, it's actually rather sensibly cautious and measured in tone on the whole. There are, as I say a couple of, of sexy lines designed to make headlines for the tabloids like the fact that he can deploy within 45 minutes if the weapons were ready and that he could reach the British bases on Cyprus . . .*

[BBC Today programme, 0855, 24 September 2002]

It was followed by stories in London and regional newspapers during the day, and by national newspapers the next day<sup>5</sup>.

511. We conclude that **the JIC should not have included the '45 minute' report in its assessment and in the Government's dossier without stating what it was believed to refer to. The fact that the reference in the classified assessment was repeated in the dossier later led to suspicions that it had been included because of its eye-catching character.**
512. We have been informed by SIS that the validity of the intelligence report on which the 45-minute claim was based has come into question. Post-war source validation by SIS, described more fully at Chapter 5, has thrown doubt on the reliability of one of the links in the reporting chain affecting this intelligence report.

## 6.6 MOBILE BIOLOGICAL WEAPONS LABORATORIES

513. There are two strands to this story. The first concerns intelligence about mobile equipment that, if it exists, has not yet been found. The intelligence on which this strand is based is being validated; some aspects of it are now unsafe. The second relates to trailers discovered by US forces post-war. We cover both strands below.

## INTELLIGENCE ON MOBILE BIOLOGICAL AGENT PRODUCTION FACILITIES

514. In January 1999, UNSCOM's final report noted that Iraq had "once considered" mobile biological agent production facilities. In early 2000, on the basis of intelligence from a new source, received via a liaison service, the JIC reported that:

*Iraq seems to be exploring the use of mobile facilities to give its BW activities greater security.*

and that, according to the source:

*. . . Iraq had started to produce biological agent in 'mobile production centres'.*

[JIC, 19 April 2000]

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<sup>5</sup> We wrote to some 60 Editors of national and regional print and broadcast media to ask them if they had been briefed by representatives of the Government about the dossier immediately prior to its publication or whether, post-publication, they were guided to report particular aspects, such as the '45 minute' story. All of those who replied said that they had not been guided to particular parts of the dossier prior to its publication. There was some evidence from the replies that some journalists had had their attention drawn after its publication to passages in the Prime Minister's Foreword. Some Editors noted that the '45 minute' story attracted attention because it was of itself an eye-catching item in a document containing much that was either not new or rather technical in nature.

515. The JIC continued:

*There are reportedly 6 mobile production centres, with one under construction. As of March 1999, three of these were fully functional and work was under way to enable the production of 5 unspecified BW agents. At one of these sites, some 20-30 tonnes of BW primary product were reportedly manufactured over four months.*

[JIC, 19 April 2000]

516. This picture remained essentially constant for the next two years. By March 2002, the JIC was recording that the source had described seven such facilities in total, six road-based and one rail-based. The JIC continued to note that the intelligence was uncorroborated but did record that it was technically credible.

517. In September 2002, new intelligence from a reliable and established source quoting a new sub-source provided a degree of corroboration for the original source's reporting. The new informant reported on the existence of mobile fermentation systems, designed for the military and allegedly for the production of single cell protein (a dietary supplement suitable for animal feed as well as human consumption) but having characteristics consistent with the production of biological agents. The informant was suspicious about the true purpose of the systems, although he did not connect them with biological warfare.

518. In its assessment in September 2002, the JIC noted that intelligence indicated that:

*. . . Iraq has developed for the military, fermentation systems which are capable of being mounted on road-trailers or rail cars. These could produce BW agent.*

[JIC, 9 September 2002]

519. This was the background to the account of mobile biological agent production facilities in the Government's dossier. The dossier said in the Executive Summary:

*As a result of the intelligence we judge that Iraq has:*

- *developed mobile laboratories for military use, corroborating earlier reports about the mobile production of biological warfare agents.*

and in Part 1 Chapter 3:

*There was intelligence that Iraq was starting to produce biological warfare agents in mobile production facilities. Planning for the project had begun in 1995 under Dr Rihab Taha, known to have been a central player in the pre-Gulf War programme. . . .*

*UNSCOM established that Iraq considered the use of mobile biological agent production facilities. In the past two years evidence from defectors has indicated the existence of such facilities. Recent intelligence confirms that the Iraqi military have developed mobile facilities. These would help Iraq conceal and protect biological agent production from military attack or UN inspection.*

520. In the subsequent debate in the House of Commons on 24 September 2002, the Prime Minister said:

*... the UN inspection regime discovered that Iraq was trying to acquire mobile biological weapons facilities, which of course are easier to conceal. Present intelligence confirms that it has now got such facilities.*

521. The United States National Intelligence Estimate issued in October 2002 drew similar conclusions about Iraqi ownership of mobile biological agent production facilities, as did Secretary of State Powell in his presentation to the United Nations Security Council on 5 February 2003. It subsequently emerged that the intelligence from one of the US sources, a defector associated with the Iraqi National Congress, had already been retracted by the time the National Intelligence Estimate was issued. This source was not, however, relied on by the UK.
522. Separately, Iraq made two declarations to UNMOVIC of a number of mobile facilities, none of which was judged by UNMOVIC to be related to the production of biological agent.
523. Although there was evidence of increased activity at facilities formerly associated with Iraq's biological warfare programme, there was no reliable intelligence during this period of an Iraqi biological agent production capability other than the mobile facilities. All JIC assessments about the actual production of biological warfare agents were based on intelligence about the mobile facilities.

## VALIDATION

524. No evidence has been found to support the existence of the mobile facilities described by the liaison source. Some of the sites identified in the source's intelligence as being connected with the mobile facilities have been investigated. In May 2003, UNMOVIC's Thirteenth Quarterly Report to the UN Security Council contained the following paragraph on "Information provided by supporting Governments on mobile facilities":

*UNMOVIC inspected a number of sites throughout Iraq based on intelligence information made available to it. In addition, other sites were inspected as a result of follow-up actions. Site inspections were aimed to investigate in detail the infrastructural signature necessary for the alleged function of such sites, eg, the presence of suitable support services for chemical and biological weapons mobile production facilities during production runs. Inspection results and analysis of detailed forensic sampling of the facilities did not reveal evidence of any past involvement of those sites in proscribed chemical and biological weapons mobile production activities.*

[UNMOVIC Quarterly Report to the Security Council, 30 May 2003]

525. UNMOVIC also noted that:

*No evidence of proscribed activities was observed during random checks of transport trucks.*

[UNMOVIC Quarterly Report to the Security Council, 30 May 2003]

526. We were told that the ISG visited nearly all sites in the Baghdad area said to be associated with a mobile biological agent production programme, as well as all existing reported hide sites outside Baghdad. In addition, they conducted debriefings of the majority of

personnel that had either been directly named in refugees' reporting, had been associated with the source or were linked to sites that became part of the investigation. The information they gathered differs from the original reporting passed to SIS. This includes denials of the existence of the programme from personnel allegedly involved and discrepancies between the source's description of two of the sites and that observed by inspection by the ISG.

527. SIS did not have direct access to the main source of this intelligence until well after the war. We describe at Chapter 5 the doubts which have arisen about the reliability of some aspects of the reporting received by SIS. We have been told in particular that an important technical detail was incorrect in the reports passed to SIS. If correctly reported, these would have shown that the product of the mobile laboratories would have been in a slurry form which has a shorter storage life than dried agent and would not have been suitable for stockpiling. The conclusion must be that the main grounds for the assessment that Iraq held recently-produced stocks of biological agent no longer exist.

## MOBILE FACILITIES DISCOVERED POST-WAR

528. In April 2003, US forces recovered two trailers, which are being examined by the ISG.
529. We have been told that the current view of the UK intelligence community is that the trailers could be used as an inefficient system for either hydrogen or biological agent production and that there is insufficient evidence to draw any firm conclusions. It is generally accepted, however, that they are not the subjects of the intelligence provided by the liaison source.
530. **We consider that it was reasonable for the JIC to include in its assessments of March and September 2002 a reference to intelligence reports on Iraq's seeking mobile biological agent production facilities. But it has emerged that the intelligence from the source, if it had been correctly reported, would not have been consistent with a judgement that Iraq had, on the basis of recent production, stocks of biological agent. If SIS had had direct access to the source from 2000 onwards, and hence correct intelligence reporting, the main evidence for JIC judgements on Iraq's stocks of recently-produced biological agent, as opposed to a break-out capacity, would not have existed.**

## 6.7 ALUMINIUM TUBES

531. From the late 1990s onwards, the British Government had intelligence that Iraq was seeking to procure aluminium tubes. This intelligence was validated by the seizure of a shipment of Chinese-origin tubes destined for Iraq in June 2001. It has been a matter of uncertainty whether the tubes were evidence of Iraq's attempts to re-constitute a nuclear programme.

## BACKGROUND

532. Of the two fissile materials suitable for the production of a nuclear weapon, plutonium and highly enriched uranium (HEU), Iraq had no access to plutonium after the bombing in 1981

by Israel of the Osirak reactor. Thereafter, Iraq's efforts to create a nuclear weapon focused on HEU. HEU can be derived from natural uranium by enriching it in gas centrifuges, which contain rotor tubes spun at high speeds.

533. After the first Gulf war, inspections by the IAEA revealed that Iraq was closer to the development of a nuclear weapon than either the IAEA or western intelligence had suspected. Following its activities in Iraq in the 1990s, however, the IAEA concluded in October 1997 that:

*. . . there were no indications of Iraq having:*

- *produced a nuclear weapon;*
- *produced more than a few grams of weapon-usable nuclear material (HEU or separated plutonium) through its indigenous processes;*
- *otherwise acquired weapons-usable nuclear material; or*
- *retained any physical capability for the production of amounts of weapons-usable nuclear material of any practical significance.*

[IAEA Bulletin, 44/2/2002, summarising 5/1997/779]

## THE EMERGING INTELLIGENCE PICTURE

534. In May 2001, the JIC reported:

*More recent intelligence indicates efforts by Iraq since 1998 to procure items that could be used in a uranium enrichment programme using centrifuges. These include:*

- *attempts to procure production scale quantities of aluminium pipes of specifications similar to those that can be used for a first generation centrifuge; . . .*

[JIC, 10 May 2001]

535. The intelligence on Iraq's efforts to procure aluminium tubes was substantial. A series of reports in mid-2001 described the progress of the particular shipment of Chinese-origin tubes that was eventually seized, in part, in Jordan. The seizure did not deter the Iraqis who, if anything, increased their efforts to acquire the tubes from a wider network of potential suppliers and intermediaries around the world. By November 2001, there was intelligence that their requirement had increased to 100,000 tubes.

536. That Iraq wanted aluminium tubes was therefore never in doubt. Nor was it in doubt that they were made of a proscribed material. But the purpose for which the tubes were sought was not established. We were assured that advice was obtained not only from the Defence Intelligence Staff (DIS) but also from a world expert on nuclear technology who had formerly worked at British Nuclear Fuels Limited. Even so, this did not solve the puzzle. It was clear from an early date that, on the basis of the specifications of the tubes Iraq was seeking to acquire, they would have required substantial re-engineering to make them suitable for gas centrifuge use, including reducing them in length, and machining

metal off the inside and outside. This was paradoxical, since Iraq had laid down very fine tolerances for the tubes.

537. The JIC, in March 2002, was careful in its description of the seized tubes:

*A shipment stopped in Jordan was inspected by the IAEA, who accepted, that with some modifications, the aluminium would be suitable for use in centrifuges. But we have no definitive intelligence that the aluminium was destined for a nuclear programme.*

[JIC, 15 March 2002]

538. The Government's dossier of September 2002 said:

*Intelligence shows that the present Iraqi programme is almost certainly seeking an indigenous ability to enrich uranium to the level needed for a nuclear weapon. It indicates that the approach is based on gas centrifuge uranium enrichment, one of the routes Iraq was following for producing fissile material before the Gulf War . . .*

*Iraq has also made repeated attempts covertly to acquire a very large quantity (60,000 or more) of specialised aluminium tubes. The specialised aluminium in question is subject to international export controls because of its potential application in the construction of gas centrifuges used to enrich uranium, although there is no definitive intelligence that it is destined for a nuclear programme.*

539. The JIC both reported the IAEA's caution on the need for modifications and reflected the uncertainty about the purpose to which the tubes might be put. The dossier repeated the JIC's language on this latter point. But we consider that the omission from the dossier of the fact that the tubes would need substantial re-engineering before they could be used materially strengthened the impression that they were suitable for gas centrifuge use.

540. There was, from the outset, an alternative explanation available for the aluminium tubes. Their potential for use as rocket motor casings was mentioned in intelligence reporting as early as summer 2001. One of the earliest intelligence reports recorded that Iraq had been seeking tubes of the same precise specification from Switzerland "probably for the Iraqi Air Force". Other reports also suggested possible conventional military uses for the tubes. Combined with the known engineering obstacles to the use of the tubes as centrifuge rotors, this uncertainty contributed to the JIC's unwillingness to conclude that the tubes had a definite nuclear application.

541. On 11 April 2003, the IAEA reported to the Security Council as follows:

*The IAEA conducted a thorough investigation of Iraq's attempts to purchase large quantities of [high-strength aluminium] tubes. As previously reported, Iraq has maintained that these aluminium tubes were sought for rocket production. Extensive field investigation and document analysis have failed to uncover any evidence that Iraq intended to use these tubes for any project other than the reverse engineering of rockets.*

[Fifteenth Consolidated Report of the Director General of the IAEA, 11 April 2003]

542. Earlier, it had reported that:

*. . . the IAEA has learned that the original tolerances for the 81 mm tubes were set prior to 1987, and were based on physical measurements taken from a small number of imported rockets in Iraq's possession. . . .*

*Based on available evidence, the IAEA team has concluded that Iraq's efforts to import these aluminium tubes were not likely to have been related to the manufacture of centrifuges and, moreover, that it was highly unlikely that Iraq could have achieved the considerable re-design needed to use them in a revived centrifuge programme. However, this issue will continue to be scrutinised and investigated.*

[IAEA, 'The Status of Nuclear Inspections in Iraq: An Update', 7 March 2003]

The IAEA summarised these findings as follows:

*There is no indication that Iraq has attempted to import aluminium tubes for use in centrifuge enrichment. Moreover, even had Iraq pursued such a plan, it would have encountered practical difficulties in manufacturing centrifuges out of the aluminium tubes in question.*

[IAEA, 'The Status of Nuclear Inspections in Iraq: An Update', 7 March 2003]

543. We have heard from the ISG that they have “*found no indications that the high-strength 81 mm aluminium tubes Iraq has sought since 1999 were intended as gas centrifuge rotors in a uranium enrichment programme*”. The ISG has not uncovered design drawings for a gas centrifuge with an 81 mm rotor nor procurement or production of other necessary equipment, material, machinery, or centrifuge parts - such as end caps, magnetic suspension bearings, motor stators, and vacuum casings. Captured documents and interviews with Iraqi scientists and engineers have all indicated that the aluminium tubes were used to make 81 mm tactical battlefield rockets. The ISG is continuing to investigate whether there was high-level Iraqi intent to divert post-1999 tubes from the rocket programme to gas centrifuge use.
544. Nevertheless, there remain unanswered questions about the use of the aluminium tubes for rocket casings. There is consensus among rocket experts that steel would be a more suitable material for such casings and that the manufacturing tolerances are far more precise than would be justified for such a use. But we were informed that at least one US rocket uses casings made from the same high-strength aluminium. The tubes are of the same dimensions and material as a stockpile of well over 50,000 tubes declared by Iraq to the United Nations and the IAEA in 1996 and connected to production of Iraq's 81 mm Nasser multiple rocket launcher (which appears to have been based on the Italian 81 mm Medusa rocket system). Iraq's rocket production plant had, according to Iraqi records, used almost twice as many such tubes between 1989 and 1996.
545. **The evidence we received on aluminium tubes was overwhelmingly that they were intended for rockets rather than a centrifuge. We found this convincing. Despite this, we conclude that the JIC was right to consider carefully the possibility that the tubes were evidence of a resumed nuclear programme, and that it properly reflected the doubts about the use of the tubes in the caution of its assessments. But in transferring its**

**judgements to the dossier, the JIC omitted the important information about the need for substantial re-engineering of the aluminium tubes to make them suitable for use as gas centrifuge rotors. This omission had the effect of materially strengthening the impression that they may have been intended for a gas centrifuge and hence for a nuclear programme.**

## 6.8 PLAGUE AND DUSTY MUSTARD

### PLAGUE

546. In November 1990, the JIC reported that:

*According to the new intelligence, Iraq possesses the BW agents pneumonic plague and anthrax and has weaponised them . . . Weapons are ready for immediate use. . . .*

*The report that Iraq has weaponised anthrax is consistent with our earlier assessment that it might have done so. But we have no collateral for the claim that it has developed plague to a similar extent. Plague was, however, one of the agents included in the list of those that Iraq had studied or on which it had information. . . . We believe that Iraq has the facilities to produce plague in sufficient quantities for weaponisation.*

[JIC, 9 November 1990]

547. Slightly later in November 1990, the DIS said that plague seedstock was now “*probably available*” to Iraq.

548. These judgements were based on several intelligence reports from a single informant described as “*a new source of unestablished reliability*”. In the heightened state of concern pre-war, and because the source was felt to be in a position to comment authoritatively, the British Government decided to inoculate UK forces against plague.

549. After the first Gulf war, some apparently corroborative intelligence was obtained from two further sources. There were inconsistencies in the knowledge of one of these and of the original source that could have led to questioning of their access to information on the subject. But, in August 1993 the JIC said:

*Iraq has admitted to the UN that it conducted research into BW agents from 1986 to 1990, but claims never to have produced agent in quantity nor to have possessed biological weapons. We have information that this claim is untrue and assess that Iraq produced BW weapons containing anthrax and plague . . . Stocks of agents and weapons have probably been hidden, together with key items of equipment.*

[JIC, 25 August 1993]

550. In August 1995, after Iraq had finally admitted weaponisation of some biological agents following the defection of Hussein Kamil, the JIC noted that:

*We have convincing intelligence of a BW programme which started in the 1970s and strong indications that it produced and weaponised anthrax, botulinum toxin, and*

*probably plague. With the exception of plague, Iraq previously admitted doing research on these and other agents but steadfastly denied the work was for an offensive programme. UNSCOM, although suspicious, could find no clear evidence to the contrary. . . . In a 'full, final and complete declaration' given to UNSCOM in August 1995, Iraq admitted to a major BW programme under which it had produced huge quantities of anthrax and botulinum toxin, but implausibly denied it had ever considered weaponisation. . . . In the last few days Iraq has admitted to UNSCOM that agent was produced at additional sites, field-testing of weapons took place in 1989, and that bombs and missile warheads were filled with anthrax and botulinum toxin in December 1990. . . . Many questions remain on the BW programme; Iraq has not, for example, admitted any work on plague.*

[JIC, 24 August 1995]

551. In June 1996, the JIC said:

*Iraq has not yet admitted to work on plague and has played down its success in developing BW aerosol delivery systems.*

[JIC, 12 June 1996]

552. In September 1997, the JIC commented:

*Iraq claimed, however, that it had terminated the [BW] programme and destroyed its arsenal before UN inspections began in 1991. These admissions, while assessed to be largely accurate, are incomplete. We assess that Iraq has withheld information on key elements of its programme: reliable intelligence has described work on plague and suspicions persist of work on other pox viruses.*

[JIC, 3 September 1997]

553. In March 2002, the JIC reported as follows:

*We . . . judge that Iraq currently has available, either from pre Gulf war stocks or more recent production, anthrax spores, botulinum toxin, aflatoxin and possibly plague . . .*

*The following biological agents could be produced within days, if not already: Anthrax spores, botulinum toxin, aflatoxin and possibly plague.*

[JIC, 15 March 2002]

554. Plague seems to have been included in this list mainly on the basis of reporting from a much earlier period. The judgement that Iraq could “possibly” produce plague within days was stronger than was justified by more recent intelligence. UNSCOM’s final report in January 1999 made no mention of plague. One intelligence report, issued in 1999 and re-issued in 2003, commented that cats, reportedly being used by Iraq in animal experiments, exhibited a susceptibility to plague that was similar to humans. But the report also noted that the informant was unaware of any Iraqi work on plague as a biological warfare agent. Comments on the report itself concluded prudently:

*We do not currently have any evidence that plague forms part of the Iraq BW programme.*

555. In August 2002 and again in March 2003, the DIS assessed that plague was “*probably available*” to Iraq. We note that this judgement was stronger than that of the JIC. It is understandable that intelligence assessments made in the period immediately before a conflict should reflect worst case assumptions, but we have seen no intelligence that would support this stronger judgement. We were told that, in the absence of new and plausible information categorically ruling out the original 1990 reporting, it was not possible to exclude plague from Iraq’s biological warfare inventory.

556. In October 2002, the JIC said:

*We judge that Iraq is self-sufficient in its BW programme and currently has available, either from pre-Gulf War stocks or more recent production, anthrax spores, botulinum toxin, aflatoxin, and possibly plague and ricin.*

[JIC, 28 October 2002]

557. The Government’s dossier of September 2002 mentioned plague only once, in an historical context:

*Iraq created forged documents to account for bacterial growth media, imported in the late 1980s, specifically for the production of anthrax, botulinum toxin and probably plague.*

558. We note that the dossier did not mention a current threat from plague, because the JIC concluded that the intelligence on plague was not sufficiently firm.

559. No evidence of Iraqi possession or production of plague has been found since the war.

## DUSTY MUSTARD

560. In the approach to the first Gulf war, several JIC assessments noted that Iraq had developed and used, in the Iran-Iraq war, a mustard agent in ‘dusty’ form. UK experts were able to examine a munition filled with ‘dusty mustard’ from the Iran/Iraq war.

561. Over the following two years, JIC assessments mentioned ‘dusty mustard’ four times, usually in the context of Iraqi failure to declare the agent or failure by UNSCOM inspectors to find it. After February 1993, the subject disappeared from JIC history. As far as we can determine, UNSCOM did not find any evidence of ‘dusty mustard’, although in April 2002 Robert D Walpole, Special Assistant to the US Director of Central Intelligence for Persian Gulf War Illnesses, reported that:

*UNSCOM information shows no research or production of dusty agents in the years prior to the war, although a hand-written note found by UNSCOM inspectors indicated that an Iraqi was considering the idea in the late 1980s.*

562. **Plague and ‘dusty mustard’ were just two of the many biological and chemical threats on which the intelligence community had to keep watch in the period before the first Gulf war, and subsequently.**

563. **The intelligence on their availability to Iraq in 1990 and 1991 rested on a small number of reports and the evidence derived from examination of a**

**munition. There were grounds for scepticism both about the reports' sources and their quality. Nevertheless, we conclude that the Government was right in 1990 and 1991 to act on a precautionary basis.**

564. **We find it harder to understand the treatment of the intelligence in the ensuing period. Dusty mustard disappears from JIC assessments from 1993 onwards. By contrast, although little new intelligence was received, and most of that was historical or unconvincing, plague continued to be mentioned in JIC assessments up to March 2003. Those fluctuated in the certainty of judgements about Iraqi possession of plague between “possibly” and “probably”.**
565. **We conclude that, in the case of plague, JIC assessments reflected historic evidence, and intelligence of dubious reliability, reinforced by suspicion of Iraq, rather than up-to-date evidence.**

## 6.9 DR JONES'S DISSENT

566. Dr Brian Jones, the then Head of the Nuclear, Biological, Chemical Technical Intelligence branch in the DIS, was on leave when the process of drafting the Government's dossier began. On his return to work on 18 September (that is, six days before publication of the dossier), his staff expressed to him a range of concerns about the strength of the judgements being made in the dossier, some of which they believed were not supported by the intelligence. Dr Jones shared a number of his staffs' concerns and recorded his concerns in a minute to his management on 19 September<sup>6</sup>.
567. It is clear that Dr Jones saw the action that he had taken in registering his dissent as being unusual. We heard from the then Chief of Defence Intelligence, however, that:
- I saw it as part of the day-to-day process.*
568. It is not our intention in this report to revisit issues already addressed by Lord Hutton. But we believe that the episode raises three broader issues about the use of the available intelligence material in the Government's dossier, and about the handling of sensitive intelligence more generally, which merit consideration here.

## USE OF THE AVAILABLE INTELLIGENCE MATERIAL

569. Dr Jones raised concerns about the treatment of the intelligence containing the '45 minute' report. In his minute, Dr Jones said that:
- We have a number of questions in our minds relating to the intelligence on the military plans for the use of chemical and biological weapons, particularly about the times mentioned<sup>7</sup> and the failure to differentiate between the two types of weapons.*
570. We conclude that **Dr Jones was right to raise concerns about the manner of expression of the '45 minute' report in the dossier given the vagueness of the underlying intelligence.**

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<sup>6</sup> Submitted to Lord Hutton's Inquiry as MOD/22/0001.

<sup>7</sup> Dr Jones told us that he used guarded language in his minute because of its low classification.

571. Dr Jones also raised concerns about the certainty of language used in the dossier on Iraqi production and possession of chemical agents. In his minute, Dr Jones said that:

*We have not seen intelligence which we believe 'shows' that Iraq has continued to produce CW agent in 1998-2002, although our judgement is that it has probably done so.*

572. We have commented separately in Chapter 5 on the way in which the dossier did not reflect the limitations of some aspects of the intelligence on which it drew. We conclude that **Dr Jones was right to raise concerns about the certainty of language used in the dossier on Iraqi production and possession of chemical agents.**

## THE HANDLING OF INTELLIGENCE

573. Dr Jones was not shown one particularly sensitive human intelligence report which said that production of biological and chemical agent had been accelerated by the Iraqi Government, including through the building of further facilities throughout Iraq. Dr Jones's managers told him that they regarded this report as justifying the certainty of language in the dossier about Iraqi production of chemical weapons. We have looked into this point in some detail.
574. The intelligence report came from a new source on trial. It was issued on 11 September 2002. SIS had what at the time appeared to be well-founded hopes that this source would become a major asset. In particular, the source had indicated to SIS that he would be able to provide substantial and critical additional intelligence in the near future. The Chief of SIS has told us that SIS were concerned to minimise knowledge of the existence of the source during what they expected to be an initial, very sensitive, period of development. The source's intelligence about chemical weapons production was therefore distributed to an extremely limited circle of senior readers.
575. We understand SIS's concern to give maximum protection to their source in those particular, and transitional, circumstances. We were told that in-house SIS technical experts took a preliminary and provisional view that the report should be issued, as being from "A new source on trial". But the exclusion of Dr Jones and his staff from readership of the original report meant that this intelligence was not seen by the few people in the UK intelligence community able to form all-round, professional technical judgements on its reliability and significance. In the event, SIS withdrew the intelligence from this source as being unreliable in July 2003.
576. **We recognise that circumstances arise in which it is right for senior officials to take a broad view that differs from the opinions of those with expertise on points of detail. We do not, however, consider that the report held back from Dr Jones and his staff (which Dr Jones' superiors regarded as justifying the certainty of the language in the dossier) was one to which such considerations should have applied.** The judgement reached by the JIC in this case should have been able to depend on detailed, expert analysis of the intelligence. In the event, the JIC had no reason to know that that had not happened.

577. **It was understandable that SIS should have wanted to give greater than normal protection to the human intelligence source on this occasion. But a problem arose because it was kept from the relevant DIS analysts who had a wider perspective. It would have been more appropriate for senior managers in the DIS and SIS to have made arrangements for the intelligence to be shown to DIS experts rather than their making their own judgements on its significance.** The fact that it was not shown to them resulted in a stronger assessment in the dossier in relation to Iraqi chemical weapons production than was justified by the available intelligence. It also deprived SIS of key expertise that would have helped them to assess the reliability of their new source. We have not been presented with any evidence that persuades us that there was an insuperable obstacle to allowing expert-level DIS access to the intelligence.
578. The Chief of SIS told us that, because he had been aware of the report on 10 September, he had mentioned it to the Prime Minister's Foreign Affairs Adviser (Sir David Manning) at a meeting on 10 September and followed this up by arranging for the report to be sent to Sir David. As it happened, the Chief of SIS had a meeting with the Prime Minister on 12 September to brief him on SIS operations in respect of Iraq. At this meeting, he briefed the Prime Minister on each of SIS's main sources including the new source on trial. He told us that he had underlined to the Prime Minister the potential importance of the new source and what SIS understood his access to be; but also said that the case was developmental and that the source remained unproven. Nevertheless, it may be that, in the context of the intense interest at that moment in the status of Iraq's prohibited weapons programmes, and in particular continuing work on the dossier, this concurrence of events caused more weight to be given to this unvalidated new source than would normally have been the case.

## 6.10 OIL SUPPLIES

579. It has frequently been alleged that the real motivation behind the decision to go to war in Iraq was a desire to control Iraq's oil supplies. This issue does not fall within our terms of reference and we did not take evidence specifically on it. We did, however, review JIC assessments on the security of oil supplies issued in the period 2000-2003, in which such a motivation did not feature. We also think it improbable that such an objective or motivation, if it existed, would not have been apparent in the large volume and wide range of policy and intelligence papers that we examined. **We saw no evidence that a motive of the British Government for initiating military action was securing continuing access to oil supplies.**

