

II. Allegations of use of chemical weapons in Iraq

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Numerous reports and allegations of Islamic State (IS)-affiliate chemical weapon intentions and capabilities in Iraq were issued in 2016. Some were the result of documentation processes by civil society and other interested organizations and individuals. For example, in November 2016 the Jane's IHS Group concluded that IS had used chemical weapons at least 19 times since 2014.¹ In December 2016 Conflict Armament Research issued a report documenting instances of IS importation of explosives and chemical precursors for conventional explosives (none are specific to standard chemical warfare agents).² Other allegations were prompted by information emanating from or associated with Operation Inherent Resolve (OIR) in Iraq, as well as various overlapping international investigation efforts with substantial national contributions.³

Allegations of chemical weapon use were made by some commentators during military operations by the Combined Joint Task Force–OIR to retake territory in Iraq from IS, including the recapture of Mosul (Operation Conquest or Operation Fatah). According to Adam Szubin, Acting Under Secretary for Terrorism and Financial Intelligence at the United States Treasury Department, there is ‘no doubt that ISIL continues to pay its chemical engineers and the people who are advanced on the weapons side’.⁴ In an interview in 2016, the Director of the Central Intelligence Agency, John Brennan, stated: ‘attacking the streets of Parkis was pretty diabolical ... We see that they’ve used chemical weapons on the battlefield, in terms of some of their production capabilities there.’⁵

¹ IHS Markit, ‘Islamic State used chemical weapons at least 19 times around Mosul since 2014 IHS Markit says’, News release, 22 Nov. 2016.

² Conflict Armament Research (CAR), *Standardisation and Quality Control in Islamic State’s Military Production: Weapon Manufacturing in the East Mosul Sector* (CAR: London, Dec. 2016).

³ See e.g. Operation Inherent Resolve, <<http://www.inherentresolve.mil/>>; US Department of Defense, ‘Operation Inherent Resolve: targeted operations against ISIL terrorist’, <http://www.defense.gov/News/Special-Reports/0814_Inherent-Resolve/>; Syrian Observatory for Human Rights, <<http://www.syriahr.com/en/>>; Harvard Sussex Program, Data Capture of Syria Chemical Weapons Allegations project, <<http://www.sussex.ac.uk/Units/spru/hsp/Harvard-Sussex-Program-Syria-Project.htm>>; Syrian Archive, <<https://syrianarchive.org/>>; and Bellingcat, <<https://www.bellingcat.com/>>. For further detail on the Islamic State see chapter 3, section II, in this volume.

⁴ Cruickshank, P. and Magney, N., ‘A view from the CT foxhole: Adam Szubin, Acting Under Secretary for Terrorism and Financial Intelligence, US Dept. of Treasury’, *CTC Sentinel*, vol. 9, no. 8 (Aug. 2016), p. 8.

⁵ Cruickshank, P. and Dodwell, B., ‘A view from the CT foxhole: an interview with John Brennan, Director, CIA’, *CTC Sentinel*, vol. 9, no. 9 (Sep. 2016), p. 4.

Selected allegations of chemical weapon use in Iraq in 2016

US special forces captured Sulayman Dawud al-Bakkar (sometimes referred to as Sulayman Daoud al-Afari or Abu Dawud) outside Mosul in February 2016. Al-Bakkar was purported to be a chemical weapon expert working for IS and a former member of Saddam Hussein's chemical weapon programme.⁶ The USA stated that it had acquired information on IS chemical weapon capabilities and intentions based on information provided by al-Bakkar.⁷ Later reports, partly based on information provided by Sound and Picture—a group of Syrian human rights activists—suggested that IS had replaced al-Bakkar with an individual named Abu Shaima (believed to be an Iraqi doctor who had worked at the University of Baghdad when Hussein was in power).⁸ IS had reportedly conducted chemical weapon experiments, including allegedly testing chlorine and sulphur mustard on prisoners, at a secret facility in al-Andalus in the Nineveh Governorate of Mosul.⁹ Mosul residents living near the facility were reported to have suffered from breathing difficulties and rashes.¹⁰

In September 2016 the USA stated that initial tests on munition fragments that landed at Qayyarah West Air Base near Mosul tested positive for sulphur mustard, while two further tests were inconclusive.¹¹ On 27 September an OIR spokesman stated that 'Definitive lab tests conclude: no mustard agent present in munitions fired at Qayyarah West AB Sept 20'.¹² The same month the USA destroyed a former pharmaceutical facility outside Mosul.¹³ According to Lieutenant General Jeffrey L. Harrigian of the US Air Force, 'The target ... as we understood it, was basically a pharmaceutical element that they were, we believe, using ... for most probably chlorine or mustard gas'.¹⁴

In October 2016 IS blew up the al-Mishraq sulphur plant outside Mosul. The resulting fires and smoke caused breathing difficulties for civilians and Iraqi forces engaged in recapturing the city, and compelled nearby coalition support forces to use respirators.¹⁵ It remained unclear whether the

⁶ Parrish, K., 'Information from captured ISIL leader enables counter-chemical strikes', Operation Inherent Resolve, Press release, 10 Mar. 2016; and Ensor, J., 'Isil carrying out chemical experiments on its prisoners as it moves labs into residential neighbourhoods', *The Telegraph*, 22 May 2016.

⁷ Parrish (note 6).

⁸ Ensor (note 6).

⁹ Ensor (note 6).

¹⁰ Ensor (note 6).

¹¹ Ferdinando, L., 'Uptick in violence in Syria; ISIL "knows no boundaries," DoD spokesman says', Operation Inherent Resolve, Press release, 26 Sep. 2016.

¹² Dorrian, J. L., Operation Inherent Resolve Spokesman, Twitter, 27 Sep. 2016, <<https://twitter.com/OIRSpox/status/780769289607536640>>.

¹³ US Department of Defense, 'Department of Defense press briefing by Lt. Gen. Harrigian via teleconference from Al Udeid Air Base, Qatar', 13 Sep. 2016.

¹⁴ US Department of Defense (note 13).

¹⁵ Winfield, G., 'Under a stranger sun', *CBRNe World* (Dec. 2016), p. 8.

destruction of the facility represented a deliberate attempt to poison others or was incidental to combat operations.

On 11 November the United Nations reported that ‘In Mosul, reports indicate that large quantities of ammonia and sulphur have been stockpiled by ISIL and there are reports that these chemicals are being placed in the same locations as civilians’.¹⁶

The allegations of chemical weapon use by IS in Mosul raise a number of broader policy concerns. IS command and control structures as they pertain to the use of toxic chemicals and their precursors as a method of warfare deserves further attention, particularly after Iraqi government forces re-establish control over Mosul and qualified experts can more fully assess the relevant equipment, infrastructure and related materials.¹⁷

¹⁶ United Nations Human Rights Office of the High Commissioner, ‘Zeid urges focus on victims’ rights, given “numbing” extent of civilian suffering in Iraq’, Press release, 11 Nov. 2016.

¹⁷ IS organizes weapon production and supply chains and maintains a central registry. Its Committee for Military Development and Production maintains weekly workshop schedules at conventional weapon production facilities. Conflict Armament Research (note 2), p. 33.