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dated 6 July 2016
for

The Report of the Iraq Inquiry

Report of a Committee of Privy Counsellors

Volume IV

Ordered by the House of Commons to be printed on 6 July 2016

HC 265-IV



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Print ISBN 9781474110136

Web ISBN 9781474110143

ID 23051601 46561 07/16

Printed on paper containing 75% recycled fibre content minimum

Printed in the UK by the Williams Lea Group on behalf of the Controller of Her Majesty's Stationery Office

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SECTION 4

IRAQ'S WEAPONS OF MASS DESTRUCTION

Introduction

1. Section 4 addresses:

- how the Joint Intelligence Committee's (JIC) Assessments of Iraq's chemical, biological, nuclear and ballistic missile capabilities, and the intent of Saddam Hussein's regime to retain, produce, use or proliferate such weapons, evolved between 2000 and the invasion of Iraq in March 2003;
- the robustness of the evidence base on which those judgements were made;
- other advice given to Ministers on Iraq's capabilities and intent;
- the way in which the intelligence and Assessments were used:
 - within Government to underpin policy decisions; and
 - in public statements and material presented to Parliament to underpin the Government position that urgent action was needed to secure the disarmament of Iraq;
- the search for weapons, materials and evidence of prohibited programmes after the conflict; and
- the background to and findings of the four previous Inquiries into aspects of the issues covered in this Section.

2. In doing so, the Inquiry has drawn on the JIC Assessments addressing these issues produced between 2000 and 2005, which are being published alongside this Report.

3. The roles of the JIC, the Cabinet Office Assessments Staff and the Secret Intelligence Service (SIS), and the priority given to collection of intelligence on Iraq, are set out in Section 2.

4. As well as documents provided by the Government and the oral evidence it was given, the Inquiry has drawn on other authoritative accounts including:

- reports to the United Nations Security Council by the International Atomic Energy Agency (IAEA), the UN Special Commission (UNSCOM) and the UN Monitoring, Verification and Inspection Commission (UNMOVIC); and
- various reports of the Iraq Survey Group (ISG) published in 2003 to 2005.

5. Section 1.1 describes Iraq's chemical, biological, nuclear and ballistic missile programmes after the 1991 Gulf Conflict and the international community's attempts to disarm Iraq – through a series of UN Security Council resolutions, a UN inspection and monitoring regime and a policy of containment supported by limited military action – and

Iraq's responses. That Section also sets out, from information available in open sources, the evolution of the JIC's Assessments of Iraq's capabilities between 1990 and December 1998.

6. Section 1.2 addresses the UK's Iraq strategy between September 2000 and September 2001.

7. The wider context of the development of UK strategy and options for Iraq after the attacks on the US on 11 September 2001 (9/11) is addressed in Section 3, including the judgement that Iraq was not involved in 9/11, the absence of evidence of links between Iraq and Al Qaida (AQ), and the potential consequences of military action for the threat to the UK and UK interests from international terrorism.

Previous Inquiries

8. Aspects of the UK Government's actions in relation to its assessment of Iraq's weapons of mass destruction (WMD), and the way in which intelligence information was deployed in support of the case for urgent action to disarm Iraq, have already been addressed by four previous Inquiries.

9. The terms of reference for each of those Inquiries, which were narrower than those of the Iraq Inquiry, are set out below.

10. The report of the House of Commons Foreign Affairs Committee (FAC), *The Decision to go to War in Iraq* (HC 813), was published on 7 July 2003.¹ It sought to "establish whether the Foreign and Commonwealth Office (FCO), within the Government as a whole, presented accurate and complete information to Parliament in the period leading up to military action in Iraq, particularly in respect of weapons of mass destruction".

11. The report of the Intelligence and Security Committee (ISC), *Iraqi Weapons of Mass Destruction – Intelligence and Assessments* (Cm 5972), was published in September 2003.² The ISC stated that it had "looked at the supporting intelligence in critical areas to ensure that the [JIC] Assessments reflected the intelligence correctly".

12. The Report of the Inquiry into the *Circumstances Surrounding the Death of Dr David L Kelly CMG* by Lord Hutton (The Hutton Inquiry, HC 247), was published on 28 January 2004.³

¹ Report from the Foreign Affairs Committee, Session 2002-2003, *The Decision to go to War in Iraq*, HC 813.

² Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm 5972.

³ *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David L Kelly CMG by Lord Hutton* ["The Hutton Inquiry"], 28 January 2004, HC 247.

13. The Inquiry was established by Lord Falconer of Thororton, the Secretary of State for Constitutional Affairs, on 18 July 2003:

“urgently to conduct an investigation into the circumstances surrounding the death of Dr Kelly.”⁴

14. Lord Hutton’s interpretation of his terms of reference is set out in his report.⁵

15. Lord Hutton concluded that the “allegations attacking the integrity of the Government”, broadcast on the *BBC Today* programme on 29 May 2003, that:

- “the Government probably knew, before it decided to put it in its dossier ... that the statement was wrong that the Iraqi military were able to deploy weapons of mass destruction within 45 minutes of a decision to do so”; and
- that No.10 had “ordered the dossier to be sexed up”

had to be considered under his terms of reference, because it was those allegations that had drawn Dr Kelly into the controversy about the broadcasts.

16. Lord Hutton explicitly determined that two other areas fell outside his terms of reference.

17. First, Lord Hutton stated that the question of “whether, if approved by the Joint Intelligence Committee and believed by the Government to be reliable, the intelligence contained in the dossier was nevertheless unreliable” was a “separate issue”.

18. Secondly, Lord Hutton wrote that he had carefully considered “the view expressed by a number of public figures and commentators” that his “terms of reference required or, at least, entitled” him to consider:

“... whether the intelligence in relation to weapons of mass destruction set out in the dossier published by the Government on 24 September 2002 was of sufficient strength and reliability to justify the Government in deciding that Iraq under Saddam Hussein posed such a threat to the safety and interests of the United Kingdom that military action should be taken against that country.”

19. Lord Hutton “concluded that a question of such wide import, which would involve the consideration of a wide range of evidence” did not fall within his terms of reference.

20. The *Review of Intelligence on Weapons of Mass Destruction* by a Committee of Privy Counsellors chaired by Lord Butler of Brockwell (The Butler Report, HC 898), was published on 14 July 2004.⁶

⁴ *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David L Kelly CMG by Lord Hutton* [“The Hutton Inquiry”], 28 January 2004, HC 247, page 1.

⁵ *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David L Kelly CMG by Lord Hutton* [“The Hutton Inquiry”], 28 January 2004, HC 247, pages 2-3.

⁶ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898.

21. The Butler Review was established by Mr Blair in February 2004 to:

“investigate the intelligence coverage available in respect of WMD programmes in countries of concern and on the global trade in WMD, taking into account what is now known about these programmes;

“as part of this work, to investigate the accuracy of intelligence on Iraqi WMD up to March 2003, and to examine any discrepancies between the intelligence gathered, evaluated and used by the Government before the conflict, and between that intelligence and what has been discovered by the Iraq Survey Group since the end of the conflict; and to make recommendations to the Prime Minister for the future on the gathering, evaluation and use of intelligence on WMD, in the light of the difficulties of operating in countries of concern.”⁷

22. The Butler Report stated that, in assessing the intelligence on Iraq’s nuclear, biological, chemical and ballistic missile capabilities to establish whether there were “any detectable systemic issues” which might have affected the JIC Assessments in the period before March 2003 and whether Assessments made at the time of the 1990 to 1991 Gulf Conflict “had a lasting impact which was reflected in JIC Assessments made in 2002 and 2003”, it had addressed “three broad questions”:

- “• 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 ... programmes in contravention of its obligations under ... resolution 687?
- 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** ...?
- What was the quality of the intelligence or other evidence, and the assessments made of it, about Iraqi **production** or **possession** of prohibited ... agents and weapons ...?”⁸

23. Sir John Chilcot was a member of the Butler Review.

24. The Iraq Inquiry has drawn in its work on both the evidence offered to those Inquiries, where available, and their analyses and conclusions, but the judgements in this Report are the Inquiry’s own.

Definition of weapons of mass destruction

25. The term “weapons of mass destruction” originated as an umbrella concept covering weapons with the capability to cause indiscriminate loss of life and wide-scale destruction.

⁷ House of Commons, *Official Report*, 3 February 2004, column 625.

⁸ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraphs 152-153.

26. The first official definition was provided by the UN Commission for Conventional Armaments in 1948 which defined weapons of mass destruction as “atomic explosive devices, radioactive material weapons, lethal chemical and biological weapons, and any weapons developed in the future which have characteristics comparable in destructive effect to those of the atomic bomb or other weapons mentioned above”.⁹ This definition has been used in successive UN resolutions dealing with disarmament.

27. The Butler Report pointed out that there was “a considerable and long-standing academic debate about the proper interpretation of the phrase ‘weapons of mass destruction’” which had been “used so variously as to confuse rather than enlighten readers”.¹⁰ The Butler Report avoided the use of the term WMD wherever possible. Where it was used, for example when quoting documents or evidence, the Butler Report interpreted it in the light of the obligations imposed by the UN Security Council after the 1990 to 1991 Gulf Conflict to address the threat posed by Iraq and to control Iraq’s military capabilities, including weapons of mass destruction and ballistic missiles in resolution 687 (1991) (see Section 1.1).

28. The Inquiry shares the view expressed in the Butler Report but recognises that the term has gained common currency and may, therefore, appear in the analysis that follows as a shorthand description of weapons that would not fall within the original definition.

29. All nuclear, chemical and biological weapons are frequently characterised as weapons of mass destruction, and radiological devices have been included more recently.

30. The Butler Report defined radiological weapons as those employing “conventional, typically high-explosive means to distribute radioactive material”.¹¹

31. Systems that fall within the definition of WMD may cause limited casualties within a finite area; for example attacks such as the use of the chemical agent sarin in the Tokyo underground. On the other hand, as the attacks on the US on 11 September 2001 demonstrated, mass casualties that have a strategic impact can be produced in other ways.

32. Mr Tim Dowse, Head of the Foreign and Commonwealth Office (FCO) Non-Proliferation Department from January 2001 to November 2003, told the Inquiry that “efforts to restrain the spread of ballistic missiles” tended to be “associated with” weapons of mass destruction because they provided a means of delivery against which it was difficult to defend and which was regarded as “quite destabilising”.¹²

⁹ UN Document S/C.3/32/Rev.1, August 1948.

¹⁰ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 14.

¹¹ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 17.

¹² Public hearing, 25 November 2009, page 4.

33. Nuclear, chemical and biological weapons are all subject to arms control regimes:

- the 1968 Treaty on the Non-Proliferation of Nuclear Weapons, which entered into force in 1970, requires non-nuclear weapons states to agree not to seek to acquire nuclear weapons; and
- the 1975 Biological and Toxin Weapons Convention (BTWC)¹³ and the 1997 Chemical Weapons Convention (CWC) prohibit the development, production and stockpiling of the respective sets of weapons.

34. Iraq signed the BTWC in 1972, but did not ratify it. It did not sign the CWC until 2009. One important difference between the two conventions is that the BTWC has no effective enforcement mechanisms while the CWC does.

35. Iraq has never been a member of the Missile Technology Control Regime (MTCR).¹⁴

¹³ The BTWC reaffirms the 1925 Geneva Protocol, which prohibits use of biological and toxin weapons.

¹⁴ The MTCR was established in 1987 to prevent the proliferation of unmanned systems capable of delivering weapons of mass destruction. It is an informal and voluntary association that seeks members' adherence to common export policy guidelines (the MTCR Guidelines) applied to a common list of controlled goods.

SECTION 4.1

IRAQ WMD ASSESSMENTS, PRE-JULY 2002

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Introduction and key findings

1. This Section addresses:

- the evolution of the assessment of Iraq's weapons of mass destruction (WMD) capabilities before Mr Blair's meeting with President Bush at Crawford in early April 2002; and
- how the information was used within Government and in public, including the preparation between February and July 2002 of a document for publication, initially on WMD programmes of concern in four countries and subsequently on Iraq.

2. The development of UK strategy on Iraq before the attacks on the US in September 2001 is addressed in Section 1.2; the development of UK strategy and options after 9/11 is addressed in Section 3.

3. The development of the Joint Intelligence Committee (JIC) Assessments of Iraq's WMD programmes from late July onwards, and the resumption of work on the dossier after Mr Blair's press conference in Sedgefield on 3 September, are addressed in Section 4.2.

Key findings

- The ingrained belief that Saddam Hussein's regime retained chemical and biological warfare capabilities, was determined to preserve and if possible enhance its capabilities, including at some point in the future a nuclear capability, and was pursuing an active policy of deception and concealment, had underpinned UK policy towards Iraq since the Gulf Conflict ended in 1991.
- Iraq's chemical, biological and ballistic missile programmes were seen as a threat to international peace and security in the Middle East, but overall, the threat from Iraq was viewed as less serious than that from other key countries of concern – Iran, Libya and North Korea.
- The Assessments issued by the JIC reflected the uncertainties within the intelligence community about the detail of Iraq's activities.
- The statements prepared for, and used by, the UK Government in public from late 2001 onwards, conveyed more certainty than the JIC Assessments about Iraq's proscribed activities and the potential threat they posed.
- The tendency to refer in public statements only to Iraq's "weapons of mass destruction" was likely to have created the impression that Iraq posed a greater threat than the detailed JIC Assessments would have supported.
- There was nothing in the JIC Assessments issued before July 2002 that would have raised any questions in policy-makers' minds about the core construct of Iraq's capabilities and intent. Indeed, from May 2001 onwards, the perception conveyed was that Iraqi activity could have increased since the departure of the weapons inspectors, funded by Iraq's growing illicit income from circumventing the sanctions regime.

- In the light of sensitivities about their content and significance, publication of documents on 'Iraq's Weapons of Mass Destruction', 'Weapons Inspections' and 'Abuse of Human Rights' was postponed until the policy on Iraq was clearer.

The UK's assessment of Iraq's WMD capabilities pre-9/11

The legacy of the 1990s

4. The conviction that Iraq had retained elements of its prohibited nuclear, chemical, biological and ballistic missile programmes was the fundamental tenet of UK policy towards Iraq throughout the 1990s.

5. When Saddam Hussein invaded Kuwait in August 1991, Iraq had deployable stocks of chemical and biological weapons, was developing long-range missiles and had an active nuclear programme.

6. Saddam Hussein had used chemical weapons during the 1980s, in breach of international law, both against the Kurds and during the war with Iran. He did not, however, use them during the 1991 Gulf Conflict.

7. After the 1991 Conflict, the UN Security Council sought to contain Iraq's military capability and restore international peace and security. On 3 April 1991, the UN Security Council adopted resolution 687 imposing a wide range of obligations on Iraq. The obligations in relation to "weapons of mass destruction" are summarised in the Box below.

Resolution 687 (1991): Iraq's WMD obligations

Section C of resolution 687 invited Iraq (operative paragraph (OP) 7) to reaffirm unconditionally its obligations under the 1925 Geneva Protocol and to ratify the Biological and Toxin Weapons Convention (BTWC).

The Security Council decided (OP8) that "Iraq shall unconditionally accept the destruction, removal or rendering harmless, under international supervision", of all:

- "chemical and biological weapons";
- "stocks of agents";
- "related sub-systems and components";
- "research, development, support and manufacturing facilities";
- "ballistic missiles with a range greater than one hundred and fifty kilometres";
- "related major parts"; and
- "repair and production facilities".

Iraq was required (OP9) to submit, within 15 days, "a declaration of the locations, amounts and types of all items" specified in OP8, and agree to urgent on-site inspection.

The Council decided (OP10) that “Iraq shall unconditionally undertake not to use, develop, construct or acquire any of the items specified” in OPs 8 and 9.

Iraq was invited (OP11) “to reaffirm unconditionally its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968”.

The Council decided (OP12) that “Iraq shall unconditionally agree not to acquire or develop nuclear weapons or nuclear-weapons-useable material, or any sub-systems or components or any research, development, support or manufacturing facilities related to” nuclear weapons.

The resolution also made provision for on-site inspection, destruction and removal of prohibited material and future monitoring and verification.

8. Containment of the threat from Iraq, and in particular its WMD capability, was a continuing foreign policy concern throughout the 1990s and frequently required active consideration of difficult and controversial issues, including significant military action.

9. The difficulties encountered by UN inspectors in pursuing the remit in resolution 687 and subsequent UN resolutions, and the decision in December 1998 to withdraw UN inspectors and to launch US and UK military action against Iraqi facilities, Operation Desert Fox, are addressed in Section 1.1.

10. In his statement to Parliament following Operation Desert Fox, Mr Blair said that the objectives were “clear and simple: to degrade the ability of Saddam Hussein to build and use weapons of mass destruction”.¹

11. The impact of Operation Desert Fox is addressed later in this Section.

12. A Joint Memorandum produced by the Foreign and Defence Secretaries for the Defence and Overseas Policy Committee (DOP) in May 1999 described policy towards Iraq as “in the short term, to reduce the threat Saddam poses to the region, including by eliminating his weapons of mass destruction (WMD) programmes”.²

13. A summary of the evolution of the JIC Assessments of Iraq’s capabilities between 1990 and December 1998 is in Section 1.1. The Butler Report concluded that it had been “left with four strong impressions” from its analysis of those Assessments:

- “• ... 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.
- ... a progressive reduction in JIC estimates of Iraq’s indigenous capabilities in the period to 1994/95.

¹ House of Commons, *Official Report*, 17 December 1998, column 1097.

² Joint Memorandum by the Secretary of State for Foreign and Commonwealth Affairs and the Secretary of State for Defence, 17 May 1999, ‘Iraq: Future Strategy’.

- ... 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.”³

14. The Butler Report added that it had detected “signs that this context led to the JIC making its estimates of Iraqi capabilities on an over-cautious or worst case basis” but that was “not always declared as such”.

15. The Butler Report also concluded that there were “differences in the quality of the assessments carried out by the JIC” and contrasted the quality of the JIC Assessments of Iraq's nuclear capability during that time with those on chemical and biological weapons.⁴

16. On nuclear capabilities, the Butler Report stated that it had:

“... been impressed by intelligence assessments ... 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.”

17. In relation to the Assessments on chemical and biological weapons, the Butler Report recognised that assessments were:

“... 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.”

³ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 207.

⁴ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraphs 208-209.

18. After its withdrawal from Iraq, the UN Special Commission (UNSCOM) produced two reports on 25 January 1999, one on the disarmament of Iraq's weapons of mass destruction and one on monitoring and verification, which were formally circulated to the Security Council on 29 January.⁵

19. The report on disarmament described the work of UNSCOM since 1991 and its methodology and set out "material balances" for proscribed missiles and chemical and biological weapons in three detailed annexes. It also included an annex "on actions by Iraq to obstruct disarmament".

20. In March 1999, the Amorim panel made a series of recommendations for changing the regime of inspection.⁶

21. After prolonged debate, resolution 1284, adopted on 17 December 1999, welcomed the reports of the three panels chaired by Mr Celso Amorim, which had been subject to "comprehensive consideration" by the Council, and stressed the "importance of a comprehensive approach to the full implementation of all relevant Security Council resolutions ... and the need for Iraqi compliance with those resolutions".⁷

22. The resolution replaced UNSCOM with the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), which would operate as the Amorim panel recommended, to provide "a reinforced system of ongoing monitoring and verification, which will implement the plan approved by the Council in resolution 715 (1991) and address unresolved disarmament issues".

23. There were significant differences about the interpretation of the resolution and the way ahead. As a result, China, France, Malaysia and Russia abstained in the vote, but there was no veto.⁸

The UK's assessment of Iraq's WMD 2000 to 2001

JIC ASSESSMENT, 19 APRIL 2000: 'IRAQ: CHEMICAL AND BIOLOGICAL WEAPONS PROGRAMMES'

24. In April 2000, the JIC judged that it was likely that Iraq was continuing to develop offensive biological and chemical warfare capabilities.

⁵ UN Security Council, 29 January 1999, 'Letter dated 25 January 1999 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1999/94).

⁶ UN Security Council, 30 March 1999, 'Letter dated 27 March 1999, from the Chairman of the panels established pursuant to the note by the President of the Security Council of 30 January 1999 (S/1999/100) addressed to the President of the Security Council' (S/1999/356).

⁷ UN Security Council resolution 1284 (1999).

⁸ UN Security Council, '4084th Meeting Friday 17 December 1999' (S/PV.4084).

25. On 19 April 2000, the JIC produced a substantial Assessment of Iraq's chemical and biological weapons programmes.⁹

26. In its Key Judgements, the JIC stated:

- “• Our picture is limited. But it is likely that **Iraq is continuing to develop its offensive chemical warfare (CW) and biological warfare (BW) capabilities.**
- There is **clear evidence of continuing Iraq 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**.
- There is **less evidence of continuing Iraqi chemical warfare activity, including advances in binary weapons development and the reconstruction of suspect civil chemical production facilities**. There is **no evidence of Iraq filling weapons with chemical agent since the Gulf War**.
- **The chances of detecting any production of biological warfare agent, or small scale production of chemical agent, with or without UN inspections, would be slim.** But we would expect to detect evidence of the production of large quantities of chemical agent, with or without UN inspectors.”

27. The Assessment stated that Iraq's doctrine for offensive chemical and biological warfare remained “unclear”. It had used chemical weapons for internal repression and against Iran in the 1980s and the JIC judged that it “would be prepared to use such weapons again in similar circumstances, and, in extremis, in defence of the regime”. The JIC warned that since the departure of UNSCOM in December 1998, its picture was “limited” and had been “further reduced”. Iraqi officials were “well practised in concealing such programmes”. Increased procurement of dual use equipment and materials could not be linked to chemical and biological warfare programmes. There were indications of continuing progress. The JIC did not know if those were “accelerating”; but the departure of the inspectors had removed “a constraint”.

28. In relation to Iraq's chemical warfare activity, the Assessment stated:

- Iraq “could have hidden dual use precursor chemicals and production equipment” and the JIC continued “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.”
- Procurement activities “**which could be associated with a chemical weapons programme**” had “**continued**”, including efforts to procure dual use chemicals, and attempts to procure crop spraying aircraft and protective suits.

⁹ JIC Assessment, 19 April 2000, ‘Iraq: Chemical and Biological Weapons Programmes’.

- Facilities “**formerly associated with Iraq’s chemical warfare programme at ... Habbaniyah**” were “**being reconstructed**”. There were signs of “renewed activities” but “no firm evidence” that activity was “chemical weapons related, or of the precursor plant which would be needed to produce CW agent”.
- Iraq was “restoring its civil chemical production capability, including pesticides” and the JIC assessed that “would help any revival of its CW programme”.
- Iraq “could be modifying bombs [...] aerial bombs, procured in the 1980s, for delivery of chemical warfare agents [...] a significant advance in Iraqi development of a binary type munition”.
- The JIC judged that Iraq was “likely to be continuing to develop” its knowledge of chemical weapons “and other aspects of its CW capabilities”.

29. In relation to Iraq’s biological warfare activity, the Assessment stated:

- Iraq had “never revealed” the full extent of its offensive biological warfare programme to UNSCOM although it had admitted to “laboratory work on a range of BW agents” and that anthrax spores, botulinum toxin and aflatoxin were “produced in bulk”. Bombs and missile warheads had been “filled with these agents immediately prior to the Gulf War”. Iraq had “yet to make a credible ‘Full, Final and Complete Declaration’ of BW activity required by the UN”, and its claims that it had “terminated its programme at the end of the Gulf War” had “failed to convince” the UN.
- The JIC assessed that Iraq was “likely to have concealed BW production equipment, agent stocks and weapons”.
- The JIC continued “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”.
- Iraq had been “trying to procure **dual use materials and equipment** which could be used for a BW programme”, but it was “impossible to determine” whether the procurement was for a BW programme.
- There were indications that, contrary to its claims to have terminated the BW programme at the end of the Gulf War, during the last decade, Iraq had continued to conduct research on a range of biological agents using personnel known to have been connected with the programme before 1991.
- “A recent piece of liaison intelligence reported that Iraq had started to **produce biological agent in ‘mobile production centres’**.”
- “According to an Iraqi defector, planning for the project had begun in 1995 under Dr Rihab Taha ... known to have played a central role in Iraq’s BW programme.” There were “reportedly six 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 five unspecified BW agents. At one of these sites, some 20-30 tonnes of primary product were reportedly manufactured over four months.”

- The JIC assessed that those quantities of agent “could produce significant casualties”.

30. The Assessment stated:

“Iraq seems to be exploring the use of mobile facilities to give its biological warfare activities greater security. The Iraqis had mobile ... facilities for filling chemical weapons at the time of the Gulf War. We know that senior Iraqis have told UNSCOM that the use of mobile facilities was considered during the planning of their one dedicated BW facility. But we have no other evidence for BW mobile production centres. We judge that it would be technically feasible for Iraq to produce 20-30 tonnes of ... BW agent ... We have no evidence for Iraq filling weapons with biological agent since the Gulf War. But for practical reasons, advance stockpiling of some BW agents is less likely than for CW agents.

“In the light of this and other evidence of Iraqi illicit procurement of dual use equipment and materials, we judge that Iraq is likely to be continuing to develop its BW capabilities.”

31. The Butler Report stated that the Key Judgement on Iraq’s biological warfare activities was based on two new strands of evidence, and was somewhat more firmly expressed than the subsequent analysis in the Assessment might bear.

32. Considering the Assessment in 2004, the Butler Report stated that the firmer assessment (that there was “clear evidence” of continuing BW activity) in the Key Judgement:

“... was based on two new strands of evidence. The first was intelligence reports on aspects of Iraqi research and development activities in 1997/1998. The second, and more significant, was new intelligence from a liaison service received a few days before the production of the JIC Assessment on the use by Iraq of mobile facilities to produce biological agent.”

33. The Butler Report stated that the language in the Assessment on mobile laboratories:

“... 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.”¹⁰

34. Sir John Scarlett, Chairman of the JIC from September 2001 to July 2004, told the Inquiry that the first report on mobile laboratories came through “in early 2000” and was “reflected ... if only briefly” in the Assessment in April 2000.¹¹

¹⁰ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 239.

¹¹ Private hearing, 5 May 2010, page 17.

35. Mr Julian Miller, Chief of the Assessments Staff from September 2001 to November 2003, told the Inquiry that the reporting on mobile laboratories, which had been received “through liaison channels”:

“... appeared to tie in with some understandings that the British experts had of previous interest in use of mobile facilities. So it wasn’t seen as being inherently implausible.”¹²

JIC ASSESSMENT, 1 DECEMBER 2000

36. As part of the inter-departmental review of policy on Iraq in late 2000, the JIC judged that:

- It was likely that Iraq had a limited residual WMD and prohibited long-range missile capability.
- Since the departure of inspectors, the pace and scope of Iraq’s missile research and development programme had increased.
- Without sanctions and UN monitoring, Iraq would accelerate its WMD and missile programmes.

37. A JIC Assessment of the prospects for Iraq co-operating with resolution 1284 (1999) on 1 November 2000, judged that Saddam Hussein’s “ambitions to rebuild ... weapons of mass destruction programmes” would “make him hostile to intrusive inspections or any other constraints likely to be effective”.¹³

38. In December 2000, at the request of the Cabinet Office Overseas and Defence Secretariat (OD Sec), the JIC produced an Assessment of Iraq’s capability to threaten its neighbours with conventional forces and weapons of mass destruction, and an analysis of how changes in the sanctions regime might affect those judgements, to inform the inter-departmental policy review on Iraq.¹⁴

39. The review of policy on Iraq, which began in 2000 and was intended to inform discussions with the new US Administration, is addressed in Section 1.2.

40. In its Key Judgements on WMD, the JIC stated:

- “• Iraq has probably concealed a **handful of 650km range ballistic missiles** that could reach Kuwait, Saudi Arabia and even Israel, as well as some **chemical and biological agent**. But even if Saddam Hussein has such weapons, he is **unlikely to use** them except in extremis, in order to preserve his regime or as a final gesture of defiance.
- Without economic sanctions but with effective UN monitoring, Iraq **could develop though not produce longer range missiles**. Although its ability

¹² Private hearing, 5 May 2010, page 16.

¹³ JIC Assessment, 1 November 2000, ‘Iraq: Prospects for Co-operation with UNSCR 1284’.

¹⁴ JIC Assessment, 1 December 2000, ‘Iraq’s Military Capabilities’.

to rebuild dedicated chemical weapons or large scale biological weapons production capabilities would be constrained, it would be able to **use civil industry to produce chemical and biological agents**. UN monitoring would, however, act as a **deterrent to Iraqi development of its nuclear ambitions**.

- Without both economic sanctions and UN monitoring, Iraq would **accelerate its WMD and missile programmes**. It could produce new 650km range missiles within a year. But it would take **at least five years to make a crude nuclear device and a further two to manufacture a nuclear warhead for missiles**.”

41. The conclusions on Iraq’s WMD are set out in the Box below.

JIC Assessment, 1 December 2000: ‘Iraq’s Military Capabilities’

The residual threat from WMD

Assessing whether there was a “**residual threat**” from Iraq’s WMD, the JIC stated that “most of [its] **ballistic missiles, chemical weapons** and nuclear programme have been destroyed”. Iraq had claimed to have destroyed its biological weapons capability but that could not be confirmed. It was “likely” that Iraq had a “**residual WMD and missile capability**”:

- a “handful of ageing SCUD-derived **missiles** with a **range of up to 650km**” [the Al Hussein] were “probably disassembled and concealed”. Those “could be re-assembled quickly [‘within weeks’] and used (albeit with limited accuracy) against targets in Kuwait, Saudi Arabia, and even Israel”;
- “some **chemical and biological agent** may be concealed, possibly weaponised”;
- Iraq had “developed a **missile with a range of 150km** [the Al Samoud], which is permitted under UN controls. Although not fully operational, this could reach Kuwait and Saudi Arabia”; and
- Iraq was “converting the L-29 jet trainer aircraft into a crude **remotely piloted vehicle** which could carry an explosive, chemical or biological weapon to Kuwait and against other targets in the northern Gulf”.

Prospects for the future

The JIC stated that “in the absence of UN inspectors”, since December 1998, Iraq had:

- “... increased the pace and scope of its **missile** research and development programmes. Series **production**” of the Al Samoud missile “**could begin within months**”. A “longer range version (up to 200km)” was “being worked on”.
- There was “no evidence” of a revival in the Al Hussein programme.
- “According to intelligence preliminary work” was “under way on another missile with a possible range of over 700km”.
- Intelligence suggested “some **biological** and **chemical** warfare activity”. Iraq was “rebuilding its civil chemical industry, including facilities formerly associated with chemical weapons”.

- The JIC judged that “Iraq may already be producing biological agent and could produce a small number of chemical weapons within weeks of a decision to do so”; and, “were economic sanctions lifted”, Iraq could “build a **large scale production capability within a few years**”.
- The same was “probably true for **biological weapons**”.
- There was “little evidence of **nuclear** weapons research”: but, “as in all areas of WMD”, Iraq retained “expertise” and was “trying to buy dual-use materials”.

The JIC judged that Saddam Hussein would “**seek to re-establish all his WMD and missile programmes**”:

- “• **effective UNMOVIC and IAEA monitoring** would act as a **deterrent** and constraint to his ambitions, in particular on the nuclear and longer range missile programmes. But it would be less effective in monitoring Iraq’s development of chemical and biological weapons, which could be more easily concealed;
- **without economic sanctions** but with **effective UN monitoring**, Iraq could conduct research and development on longer range missiles. It could not, however, put them into production. Its ability to rebuild a dedicated chemical weapons or large scale biological weapons production capability would be constrained. But Iraq could use its restored civil chemical industry and existing biotechnology industry to produce chemical and biological agent. Effective UN monitoring would act as a deterrent to Iraqi development of its nuclear ambitions;
- without either economic sanctions or an effective UN monitoring presence, Iraq would significantly increase its procurement and accelerate its WMD and missile programmes. Iraq could begin to produce a small number of new ... Al Hussein missiles within a year. We would be less likely to detect progress in other areas. It would take Iraq at least five years to make a crude nuclear device and a further two years to manufacture a nuclear warhead for missiles.”

The Assessment stated if economic sanctions were lifted, military sanctions would remain in place for some time. If they were eventually lifted “both Saddam Hussein and any likely successor” were “likely to give **high priority**” to restoring military capability, “**including WMD**”.

How sanctions and UN monitoring had affected the development of Iraq’s WMD and ballistic missile programmes, and how the progressive lifting of both would affect the future of Iraq’s WMD capability against its neighbours, was examined in more detail in an Annex to the Assessment. That included:

Ballistic missile capability

- The JIC judged that, following the Gulf War, Iraq had “probably concealed components and a small number of ... Al Hussein missiles”.
- Since 1991, Iraq had “expanded its liquid propellant expertise with the Al Samoud missile”. Development of the missile had “**accelerated** over the past year as a result of increased funding and Saddam Hussein’s personal interest” and “Iraq had also been working on extending its range to at least 200km”. Iraq believed that “with further imports, they could complete development work for this version within 6 months”. Iraq was “also expanding a number of sites associated with its

solid fuel missile programme". "Preliminary work" was "under way on the 150km Ababil-100". Iraq "would continue with the development" of that missile and "the longer range solid propellant project".

- **"Series production of Al Samoud could begin within months.** A longer range version might be developed over the same period."
- Iraq "could **assemble a number of Al Hussein missiles for deployment within weeks**".
- "Without trade sanctions and UN monitoring, **Iraq could produce a small number of new Al Hussein missiles within a year.**"

Chemical warfare programmes

- "All known CW production facilities and dedicated precursor plants were disassembled or destroyed during the Gulf Conflict or subsequently under UNSCOM supervision"; but "agents, munitions, warheads, precursor chemicals and production equipment" could have been concealed from UN inspectors.
- Sanctions and monitoring had slowed **"reconstruction of some of the facilities formerly associated with"** Iraq's CW programme.
- While there was "no firm evidence of a chemical warfare programme", Iraq had "continued to acquire **dual use chemicals** and conduct research". That "and intelligence of **research into weaponising aerial bombs** suggests that some chemical warfare activity continues".
- Iraq **"could produce small but significant amounts of mustard agent within weeks** of a decision to do so. It **could produce nerve agent within months** ... It could **also produce small numbers of CW munitions and missile warheads.**"
- "Were trade sanctions lifted, and in the absence of UNMOVIC, Iraq could re-establish a large scale production capability within a few years."

Biological warfare programme

- Iraq "claimed to have ... destroyed all ... materials and weapons" related to its biological warfare programme, but the JIC judged that it might "retain hidden production equipment, stocks of agent and even biological weapons".
- Sanctions had "slowed but not prevented imports of dual use equipment that could be used in a BW programme".
- Iraq still had **"sufficient expertise, equipment and material to produce BW** without procurement from abroad. It could **use legitimate civil or dedicated BW facilities, including mobile laboratories,** for this work."

Nuclear weapons programme

- Iraq had "retained the scientific cadre associated with nuclear weapons work. Iraqi entities, some formerly associated with its nuclear programme, seek **dual use equipment that could be used in association with a centrifuge programme.** Unconfirmed intelligence indicates **Iraqi interest in acquiring uranium and continuing nuclear weapons related research after the Gulf War.** None of the intelligence acquired since the war is 'smoking gun' evidence. But it remains suspicious and seems indicative of attempts to retain a cadre of expertise, which will decline over time without international access."

- Iraq still lacked “fissile material and the infrastructure to make it”.
- If Iraq were “able to acquire sufficient fissile [material] for a weapon or centrifuges and feed material from outside Iraq”, the time periods to manufacture a crude nuclear weapon and a nuclear warhead could, “with foreign assistance”, be “significantly shortened, with or without current controls”.

42. The JIC’s conclusions in relation to Iraq’s threat to its neighbours are set out in Section 1.2.

43. The Butler Report stated that the intelligence supporting the judgements on Iraq’s research and development programmes for ballistic missiles “came from a range of sources”, and was “substantial”.¹⁵

44. Addressing the intelligence underpinning the Assessment on Iraq’s nuclear activities, the Butler Report stated:

- Intelligence had detected a visit of Iraqi officials to Niger in 1999,¹⁶ and some details had subsequently been confirmed by Iraq. The purpose of the visit was not immediately known but, in the circumstances, including Iraq’s previous purchases of uranium ore from Niger, the JIC judged that the purchase of uranium ore could have been the subject of discussions and noted that unconfirmed intelligence indicated Iraqi interest in acquiring uranium.¹⁷
- “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.”¹⁸
- The description of the intelligence underpinning the statement on Iraq’s interest in acquiring uranium from Africa was “represented correctly by the JIC”.¹⁹
- The statements in the Assessment about Iraqi attempts to procure dual use equipment that could be used in association with a centrifuge programme fairly represented the intelligence.²⁰

¹⁵ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 248.

¹⁶ The Butler Report stated: “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, 2004, page 28).

¹⁷ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 493.

¹⁸ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 494.

¹⁹ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 220.

²⁰ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 220.

JIC ASSESSMENT, 9 FEBRUARY 2001: 'LONG RANGE BALLISTIC MISSILE THREAT'

45. In February 2001, the JIC assessed that Iraq was covertly working on long range missile systems, but it would be unable to achieve an operational capability while sanctions remained effective.

46. Based on one recent intelligence report, the JIC suggested for the first time that Iraq might have assembled “up to 20” Al Hussein missiles.

47. The JIC issued an updated Assessment of the “long range ballistic missile intentions and capabilities of North Korea, Iran, Iraq and Libya and their likely development over the next 10-15 years” on 9 February 2001.²¹ Those four countries were the only states currently developing long range ballistic missiles (with ranges over 1,000km) which were of concern to the UK.

48. The Assessment stated that North Korea was the main proliferator of ballistic missile technology. It also stated that Iran was developing long range missiles as part of what was judged to be a regional policy to deter other actors, including Iraq.

49. In its Key Judgements relevant to Iraq, the JIC stated:

- “• At present, none of them intends to attack the UK and **only North Korea** has a **clear intent** to develop a capability to **reach the US**. But their intentions could change quickly. Our assessments must therefore concentrate on capabilities, including both **worst case engineering judgements** and best estimates of the **likely timeframes** of their acquisition of usable ... missiles.
- Iraq is covertly **developing ballistic missiles** that are **beyond the 150km range permitted** ... It could also be in the **early stages** of developing a **two stage system with a possible range of 2,000km**. If successful, this would significantly increase the threat Saddam poses in the region and could, in the longer term, be developed to become a threat to the UK and US. At present, however, Iraq’s **missile programmes** are **constrained by sanctions**. While they remain effective, it is **unlikely that Iraq could achieve an operational long range capability**.”

50. The JIC Assessment stated:

- Iraq was “**known to want a capability to target Israel and Iran, and would like to acquire a capability to reach the rest of the Gulf**”; and its “strategic objectives” would “probably remain the same whether or not the current Government remains in power”.
- The JIC did “not know” whether an Iraqi Government “would aim to target Western Europe or the US, but it would be a credible deterrent objective for Saddam”.

²¹ JIC Assessment, 9 February 2001, ‘Long Range Ballistic Missile Threat’.

- Any acquisition of long range missiles “would significantly increase Saddam’s threat to the region and could, in the longer term, become a threat to the UK and US”.
- In the absence of the UN monitors, Iraq had **“increased the pace and scope of its missile programmes”**.
- The programmes were “at an early stage of development” and, while the embargo remained effective, it was **“improbable that Iraq could produce an operational long range capability”**.
- The JIC knew that Iraq had “retained key components of disassembled **650km range Al Hussein missiles**. Recent intelligence suggests that **they may have assembled up to 20 of these** missiles.”
- Iraq had used its permitted programmes “to develop the expertise it acquired on longer range systems before the Gulf War”.
- Intelligence indicated that **“Iraq may be working on a two stage solid propellant missile capable of delivering a payload to a range of some 2000km.**
- Iraq had “yet to develop successfully even its current short range solid propellant system”.
- The JIC assessed that **“Were sanctions lifted ... Iraq could produce a missile that could reach Europe, and possibly the UK within about six years and one capable of reaching the US within ten years.”** Those timeframes “could be shortened if Iraq received significant external assistance or was able to buy North Korean missile kits”.
- Iraq was “technically capable of arming a missile with a conventional, chemical or biological warhead”.
- The JIC judged it would take Iraq “at least seven years after the lifting of sanctions **to produce a nuclear warhead**”.
- The JIC could not yet “assess” what the payload would need to be for a nuclear warhead on a missile which would be able to reach the UK, or whether Iraq would “be able to develop the 500kg nuclear payload needed [for a missile] to reach the US in that time”.

51. The Butler Report stated that the JIC appeared to have based its judgement about Iraq’s possession of Al Hussein missiles on its long-standing view on Iraq’s concealment activities and three pieces of intelligence from three separate sources.²² The figure of “up to 20” missiles, which was used in all subsequent JIC Assessments and Government statements, was provided by one of those sources who was in a position to report authoritatively and reported reliably. He was, however, passing on the comments of a

²² *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 250.

sub-source who reported only once and whom the Secret Intelligence Service (SIS) was not able to contact after the conflict.

52. The need for a revised set of controls for Iraq's WMD and military programmes was agreed by No.10 in March 2001.

53. An FCO initiative seeking more information publicly to explain policy on Iraq seems not to have been pursued.

54. Sir John Sawers, Mr Blair's Private Secretary for Foreign Affairs from 1999 to 2001, told the Inquiry that, during the first meeting of Mr Blair and President Bush at Camp David on 23 February 2001 (see Section 1.2), Mr Colin Powell, US Secretary of State, had:

"... made clear that he was most concerned about Iraqi activities on chemical and biological weapons. There was a range of dual use goods here that should be properly controlled and should be subject to sanctions but the wider range of trade sanctions should be removed."²³

55. The record of the Camp David meeting stated that the US and UK agreed on the need for a policy which was more widely supported in the Middle East region.²⁴ As a result of the policy of the previous 10 years, Iraq was not as large a threat as it could have been (including to Kuwait); but Saddam was still pursuing WMD (he had done little on the nuclear side).

56. The revised policy framework for Iraq, issued by No.10 on 7 March 2001, began:

"A revised set of controls [on Iraq] would be introduced as soon as possible, focused on Iraq's WMD and military programmes."²⁵

57. Mr Tim Dowse, Head of the Foreign and Commonwealth Office (FCO) Non-Proliferation Department from January 2001 to November 2003, told the Inquiry that the FCO Board expressed an interest in early 2001 in drawing on intelligence and unclassified material to put more into the public domain to explain policy on Iraq.²⁶

58. The UK Government has been unable to identify any documents relating to this issue.²⁷

²³ Public hearing, 10 December 2009, pages 15-16.

²⁴ Letter Sawers to Cowper-Coles, 24 February 2001, 'Prime Minister's Talks with President Bush, Camp David, 23 February 2001'.

²⁵ Letter Sawers to Cowper-Coles, 7 March 2001, 'Iraq: New Policy Framework'.

²⁶ Public hearing, 25 November 2009, page 67.

²⁷ Letter Cabinet Office [junior official] to Aldred, 16 September 2015, 'Iraq Inquiry Request for Documents'.

59. On 25 April, Mr Dowse asked Mr Peter Ricketts, Chairman of the JIC from September 2000 to September 2001, for his help.²⁸ Mr Dowse wrote that there was “growing frustration” in the FCO that:

“... while we continue publicly to emphasise our concerns about the rebuilding of Iraqi WMD (and indeed the current UK/US review of policy looks like putting even more emphasis on this angle), the lines we have to deploy are based entirely on pre-Desert Fox material and are showing signs of too much recycling. Requests earlier this year from the Foreign Secretary and the FCO Policy Advisory Board for more up-to-date material received no response.”

60. A Defence Intelligence Staff (DIS) review of the intelligence had produced “somewhat disappointing results”.

61. Mr Dowse added that he understood the difficulties, but wrote:

“... it may be that there really is no more we can say and that we will have to rely on clever re-packaging. But our material compares unfavourably with fuller and fresher briefings [...] ... I wonder whether it might be worth a meeting to go over the possibilities, on the lines of the exercise the Cabinet Office co-ordinated just before Desert Fox, which produced an ‘unclassified JIC paper’ and a note for MPs, journalists etc?”

62. The UK Government has been unable to identify any response to this minute.²⁹

JIC ASSESSMENT, 10 MAY 2001

63. An Assessment issued on 10 May 2001, examining the UK’s ability to identify Iraq’s WMD facilities and the impact of military action, marked a shift in the JIC’s perception of Iraq’s intentions and activities.

64. The JIC acknowledged that the evidence base for its judgements on developments since December 1998 was “patchy”, but stated that Iraq was “becoming bolder” in conducting prohibited activities.

65. At the request of the MOD, a further JIC Assessment examining “what we know of Iraq’s WMD programmes, their future direction, our level of confidence in the intelligence, our confidence in being able to identify the location of Iraq’s WMD facilities accurately and the potential impact of direct military action against them”, was produced on 10 May 2001.³⁰

²⁸ Letter Dowse to Ricketts, 25 April 2001, ‘Iraqi WMD: Public messages’ attaching Minute DI ACR to Wedge, 29 March 2001, ‘Iraq: Review of Intelligence on Weapons of Mass Destruction’ and Minute DI ACR to Wedge, 11 April 2001, ‘Iraq: Release of Information Concerning Iraqi Regeneration of Bombed Facilities to the Press’.

²⁹ Letter Cabinet Office [junior official] to Aldred, 22 July 2015, ‘Declassification 3.3-MA’.

³⁰ JIC Assessment, 10 May 2001, ‘Iraqi WMD Programmes: Status and Vulnerability’.

66. The JIC noted that its “**knowledge of developments**” in Iraq’s WMD and ballistic missile programmes since December 1998 was “**patchy**”, but that “**intelligence gives grounds for concern** and suggests that Iraq is becoming bolder in conducting activities prohibited by UNSCR [UN Security Council resolution] 687”.

67. The JIC knew “**most about Iraq’s ballistic missile programme**”, where there had been “**a step change in progress**” over the previous two years. It knew that Iraq was “**developing longer range systems** possibly up to 2,000km”, and had “good intelligence on **research and development facilities**” but did “not **know where the longer range missiles will be built**”.

68. The JIC had “**no clear intelligence on Iraq’s nuclear programme**”. There was “evidence of increased activity at Iraq’s only remaining nuclear facility and a growing number of reports on **possible nuclear related procurement**”.

69. The JIC judged but could not confirm that Iraq was “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.**”

70. The JIC continued to assess that “while sanctions remain in place, Iraq cannot indigenously develop and produce nuclear weapons. Were sanctions lifted, it would **take Iraq at least five years to produce a nuclear device** and a **further two to produce a warhead.**”

71. The JIC had “**good intelligence of Iraq’s former chemical and biological warfare (CBW) facilities**, their **limited reconstruction** and **civil production**”. That suggested “a continuing research and development programme”. There was “additional unconfirmed but credible **intelligence of weapons filling**”. But the JIC could not “confirm that specific sites” were “being used for CBW related activity”.

72. In the main body of the Assessment, the JIC:

- judged that intelligence reports reflected “**a continuing chemical warfare programme**, including research and development, together with the possible production and weaponisation of agent”;
- stated that the picture of Iraq’s BW programme was “unclear”; and
- stated that Iraq’s CBW capability was “not new”, but represented “the **most immediate Iraqi threat**”.

73. Other key points in the Assessment are set out in the Box below.

JIC Assessment, 10 May 2001: 'Iraqi WMD Programmes: Status and Vulnerability'

- Intelligence on Iraqi WMD was "difficult to obtain and to verify".
- "Little of the intelligence is, however, sufficiently clear to identify the exact status and ultimate objectives of these programmes. Intelligence is clearest on Iraq's **missile facilities and associated activities**."
- "Because of the need for raw materials and components from abroad, sanctions remain an obstacle to the development of all Iraq's WMD programmes."

Iraq's ballistic missile programme

- There was "**reliable intelligence of Iraq's current short range ballistic missile programmes**" and "a growing body of evidence that Iraq intends to develop missiles well beyond its permitted range of 150km". That "would represent a **step change in Saddam Hussein's military capabilities**".
- "An injection of an additional [US]\$20 million and political pressure from Saddam Hussein" appeared "to have **accelerated progress over the past year**". That included:
 - "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**";
 - the intelligence was "less clear on longer term missile objectives";
 - "... 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 **2,000km** with a 500kg payload. Developed individually into missiles, using the same payload, they could achieve a range of between **700-1,200km**."
- The JIC assessed that both the Al Samoud and its extended range version "could deliver a conventional, chemical or biological warhead".
- The JIC did "**not know** the location of some 20 reassembled 650km range Al Hussein missiles".
- "Apart from the construction of a large test stand", there was "**nothing to indicate plans to produce new SCUD type missiles**".
- The JIC did "not know enough about the possible 2,000km range missile to judge a timescale for its completion".

Chemical warfare programmes

- The JIC had "good intelligence of **Iraq's former CW associated facilities**"; intelligence of "other related **CW activity, including possible weaponisation**" was "**less clear**".
- The JIC did "not know the location of pre-Gulf War CW related stocks or where Iraq may have filled weapons. Such stocks would enable Iraq to use its chemical industry to **produce significant amounts of mustard gas within weeks** of a decision to do so, and **nerve agents within months**."

Biological warfare programme

- The JIC had “good **intelligence of one facility** that could be used to **support BW agent production**. Other Intelligence which points to the possible research and **production of BW agent is unconfirmed**.”
- Iraq retained “**equipment and materials to produce BW**” and it had “a **number of delivery options**”; but there was “currently little evidence of BW activity at facilities formerly associated with Iraq’s BW programme”.
- 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**”; “liaison reports of at least **six mobile Iraqi BW production facilities** for a number of unidentified agents”; and “evidence of increased activity at a former **BW associated plant in Amariyah**”.
- The JIC continued to judge that “Iraq could produce BW agent within weeks of a decision to do so”.

Iraq’s nuclear programme

- Iraq had “recalled its nuclear scientists in 1998”. It had made “**efforts ... since 1998 to procure items that could be used in a uranium enrichment programme using centrifuges**”.

Those included: “**aluminium pipes [tubes]**” and “**other dual use items**”.

Vulnerability of Iraq’s WMD programme

In relation to direct military action, the JIC judged that: “Although some WMD facilities could be destroyed by direct military action, this would be **unlikely to have a significant overall impact on Iraq’s WMD programmes**”. This was because:

- “we do not know where all ballistic missile development is taking place. There would be **some impact on Iraq’s permitted missile development programme**, but military action would at best **only delay the development of prohibited longer range missiles**;
- **although targeting of Iraq’s remaining nuclear facility** might have some impact on its nuclear programme, it would be **unlikely to eliminate all nuclear activity**, some of which may be taking place at other sites;
- because much of Iraq’s CBW activity can be conducted in legitimate civil research facilities, Iraq’s **CBW** programme is likely to be unaffected by action against known suspect sites.”

The Assessment stated that “**targeting of suspected chemical or biological facilities would be portrayed as attacks on the civil infrastructure** and would in any case have limited or **no impact on Iraq’s ability to produce and weaponise chemical or biological agent**”.

The Assessment concluded:

“... **our ability to constrain Iraqi development of its WMD through other means is limited**. The development of Iraq’s WMD has been helped in recent years by **the absence of UN inspectors, the increase in illegal border trade and hard currency available to Iraq**. There have been an increasing number of

[...] reports on orders for illegal imports of missile related components and missile related components and materials [...] Because of the need for raw materials and components from abroad, sanctions remain an obstacle to the development of all Iraq's WMD programmes."

74. Under a heading "Implications", the JIC observed:

"This Assessment underlines the importance of pursuing vigorously work on the proposed UN controlled goods list, which would help sustain effective controls on Iraqi WMD development."

75. The Butler Report commented that the Assessment "signalled a clear change in the JIC's perception".³¹

76. The Butler Report considered that the JIC judgements on Iraq's ballistic missile programmes were "well-founded and properly expressed".³²

77. Mr Miller told the Inquiry that the intelligence on the ballistic missile programme was "fuller, and in retrospect, proved to be more reliable".³³ There was reliable reporting on missile production at one site. Separate reporting about the retention of Al Hussein missiles came from a source that was "characterised as regular and reliable".

78. Mr Miller added that the report on the retention of the Al Hussein missiles was from "a year or two previously", and that there was "a rather longer standing view that their disposal hadn't been properly accounted for".³⁴

79. In relation to the judgement that Iraq was "conducting nuclear related research and development into the enrichment of uranium and could have longer term plans to produce enriched uranium for a weapon", the Butler Report stated it:

"... 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."³⁵

80. Mr Miller told the Inquiry that there was "limited" new intelligence underpinning the Assessment on the nuclear programme. There was an SIS report that scientists had

³¹ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 221.

³² *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 254.

³³ Private hearing, 5 May 2010, page 6.

³⁴ Private hearing, 5 May 2010, page 7.

³⁵ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 225.

been recalled to work on the programme in 1998 and other reports on Iraq's attempts to procure aluminium tubes and magnets.³⁶

81. The Butler Report stated that the judgements on Iraq's CW programme:

"appear to have been based on three main pieces of evidence:

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

"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."³⁷

82. The Butler Report concluded that the Assessment "reflected these reports fairly"; the intelligence "applied mainly to historical (as opposed to current) activity and, even so, was by no means conclusive".³⁸

83. Mr Miller told the Inquiry:

- There was a new, UK human source at that time, "giving an account of weaponisation of ... VX in the mid- to late 1990s".
- There was "another new source, with older reporting, about production in the earlier 1990s".
- The reporting on VX "seemed to be reports to which we should pay serious attention" from "people who would have been in a position to know", although one of them was "a new source".
- Chemical production had been mentioned in the reporting "through liaison on mobile laboratories ... The view at the time by the technical experts was that if there were mobile facilities ... they were more likely to have a role in filling chemical munitions than the production of chemical agents."³⁹

³⁶ Private hearing, 5 May 2010, page 2.

³⁷ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraphs 233-234.

³⁸ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 235.

³⁹ Private hearing, 5 May 2010, pages 7-8.

84. In relation to reports of the recruitment of new scientists to work on BW research and activity at a facility formerly associated with BW, the Butler Report stated that the “additional intelligence” identified “came from human intelligence and imagery”. It concluded that, “although the human intelligence was recording events that had taken place some time previously”, it had been fairly reflected by the JIC.⁴⁰

85. Sir John Scarlett told the Inquiry that the May 2001 Assessment had drawn “on two big assessments” in 2000 and provided “a sort of starting point”. By that time:

- “... there was heightened concern ... about possible nuclear-related procurement and longer-term plans to enrich uranium.”
- “Iraq was assessed to retain some stocks of chemical ... agents and weapons, but there were no details on locations or quantities. But there was a lot of attention being paid to the reconstruction of ... facilities which had been used in the past for chemical agent production.”
- There was “clear evidence of continuing biological warfare activity ... [T]he intelligence about mobile production laboratories ... was taken seriously. And ... there was a lot of emphasis on the capability of Iraq’s ... industry to start production of agents very quickly if a decision was taken to do that.”
- If Iraq “were to extend” the range of permitted ballistic missiles and then “design longer range missiles, that was given a lot of prominence in the assessment as a step change in the progress they were making”.⁴¹

86. Sir John subsequently added that the Assessment was:

“... a fairly firm judgement based on limited intelligence, but taking account of a lot of other issues, including past behaviour ... not just in terms of use but also of deception and concealment and so on.”⁴²

Wider concerns about proliferation and terrorist use of WMD

87. The perception of the threat posed by Iraq’s WMD programmes should be seen in the context of wider concerns about the proliferation of nuclear, chemical and biological weapons and their delivery systems, particularly ballistic missiles. By 2000 this was regarded as a major threat.

88. The Butler Report examined the background to the concerns about the nuclear, chemical, biological and ballistic missile programmes of Libya, Iran, North Korea and Iraq, and the state of knowledge about global trade and potential sources of proliferation. It also reviewed the intelligence available on the possibility that terrorist groups might seek to use such weapons.

⁴⁰ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraphs 242-243.

⁴¹ Public hearing, 8 December 2009, pages 35-36.

⁴² Public hearing, 8 December 2009, page 42.

89. The possibility that terrorist groups might seek to use unconventional weapons was, until the mid-1990s, considered unlikely.

90. The Butler Review reported that JIC Assessments during the 1980s considered the possibility that terrorist groups might seek to use unconventional weapons as “remote”.⁴³

91. In June 1989, the JIC stated:

“We have no intelligence that any terrorist group makes CBW agents, possesses any such agents or is currently contemplating attacks using CBW agents or other toxic chemicals. The use of CBW agents by terrorists would generate widespread fear and could cause large numbers of casualties ... The mere threat of such use could be sufficient to cause panic.

“A terrorist would need only small quantities of CW agents. The simpler ones could in principle be made by anyone with a knowledge of A-level chemistry using readily obtainable materials. We believe that terrorist organisations could also readily obtain and handle without insurmountable difficulty, suitable bacteria, viruses and certain toxins.

“Although CBW proliferation undoubtedly increases the risk that CBW agents could be stolen ... or even supplied to terrorists by state sponsors ... this prospect must be viewed against a background where many suitable agents can be manufactured in small quantities using easily available materials. So far as terrorism is concerned, proliferation (if it comes about) may not necessarily be much affected by the actions of States with the relevant capability.”⁴⁴

92. In July, the JIC stated:

“We believe that even the most sophisticated and well-organised terrorist group is highly unlikely to be able to steal and then detonate a nuclear weapon within the foreseeable future ... At present the most feasible terrorist nuclear incident would probably be a credible hoax ...”⁴⁵

93. In April 1992, the JIC considered the technical options for terrorist attacks using chemical, biological, radiological or nuclear weapons, but emphasised the perceived difficulties, stating that terrorist groups might:

“... be deterred by the danger to their own members, or by the risk of alienating the public and especially their own supporters. They may also fear that an attack would cause international outrage leading to determined efforts on an international scale

⁴³ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 111.

⁴⁴ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 111.

⁴⁵ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 111.

to bring them to book. By contrast, conventional weapons are cheaper, easier to procure, and offer equal or greater effectiveness against traditional targets ...”⁴⁶

94. In the context of reports of fissile material being available on the black market, the JIC concluded in April 1994 that it was:

“... extremely unlikely that a terrorist group could produce even a crude nuclear device; nor is there any evidence that any group has contemplated the use of nuclear weapons. A more plausible scenario might be the dispersal of radioactive materials ...

“We believe that terrorists would not be able to acquire or deploy a nuclear weapon; radiological attacks are ... unlikely.”⁴⁷

95. The Assessment also stated:

“Attacks involving chemical or biological agents are also unlikely ...”

96. In an Assessment in July 1996, responding to a G7 declaration that special attention should be paid to the threat of the use of nuclear, biological and chemical materials for terrorist purposes, the JIC stated:

“There is no indication of any terrorist or other group showing interest in the use of nuclear, biological or chemical (NBC) materials against the UK. For a number of reasons, conventional weapons are likely to remain more attractive for terrorist purposes. But last year’s nerve agent attack in Tokyo [the use of sarin by the Aum Shinrikyo sect in the Tokyo underground in March 1995] will have heightened interest and, with ever more NBC information publicly available, hoaxes threatening NBC use are likely to become more difficult to assess.”⁴⁸

97. After Usama Bin Laden returned to Afghanistan, evidence accumulated of his interest in chemical and biological materials.

98. Usama Bin Laden had first become known as a high-profile supporter of Islamist extremism when fighting the Soviet forces in Afghanistan in the 1980s.⁴⁹

99. He founded the international terrorist group known as Al Qaida in 1989, “dedicated to opposing ‘un-Islamic’ governments in Muslim countries with force and violence”. He was based in Afghanistan and Pakistan from 1989 to 1991, when he moved to Sudan. Usama Bin Laden returned to Afghanistan in 1996.

⁴⁶ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 113.

⁴⁷ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 114.

⁴⁸ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 116.

⁴⁹ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 117.

100. In response to the presence of the US in the Arabian Peninsula and its “continuing aggression against the Iraqi people”, Usama Bin Laden and others issued a “fatwa” in February 1998 stating that it was “an individual duty for every Muslim” to “kill the Americans and their allies – civilian and military”.⁵⁰

101. In November 1998, the JIC stated that Usama Bin Laden had:

“... a long-standing interest in the potential use of CBR [chemical, biological and radiological] materials, and recent intelligence suggests his ideas about toxic materials are maturing and being developed in more detail ... There is also secret reporting that he may have obtained some CB material – and that he is interested in nuclear materials. We assess that he lacks the expertise or facilities even to begin making a nuclear weapon, but he might seek to make a radiological device.”⁵¹

102. In an interview with the *BBC* and the London-published Arabic newspaper *Asharq Al-Awsat* in December 1998, following Operation Desert Fox, Usama Bin Laden stated that “The British and American people loudly declared their support for their leaders’ decision to attack Iraq”, and that made it “the duty of Muslims to confront fight and kill” citizens of the two countries.⁵²

103. *BBC News* reported that Usama Bin Laden had stated that it was the duty of Muslims to “get rid of all the Americans and all of the Jews out of the land of Islam”.

104. In 1999, the JIC revised its position, concluding that some terrorists were no longer reluctant to cause mass casualties. The risk of a terrorist incident using chemical, biological, radiological or nuclear material had increased, but most terrorists would “continue to favour conventional weapons”.

105. Following receipt of further intelligence, the JIC stated in June 1999:

“Most of UBL’s [Usama Bin Laden’s] planned attacks would use conventional weapons. But he continues to seek chemical, biological, radiological and nuclear material and to develop a capability for its terrorist use. There is insufficient evidence to conclude that he has yet acquired radiological or nuclear material. In contrast, we now assess that his followers have access to some unspecified chemical or biological material. Some have received basic training in its use against individuals or in confined spaces.

“In April a leading Egyptian terrorist ... told an Egyptian court that UBL had CB ‘weapons’ which he could use against US or Israeli targets.”⁵³

⁵⁰ World Islamic Front, 23 February 1998, *Jihad against Jews and Crusaders*.

⁵¹ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 117.

⁵² *BBC News*, 26 December 1998, *Bin Laden urges revenge*.

⁵³ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 118.

106. In July 1999, the JIC changed one of the key assumptions underpinning previous assessments, concluding that some terrorists were no longer reluctant to cause mass casualties:

“Over the 1990s there has been a significant increase in the quantity and quality of intelligence that some terrorists are interested in CBRN – and particularly in chemical and biological materials – as weapons. The risk of a CBRN terrorist incident has risen, albeit from a low base. In part this increase reflects the rise of Islamic extremism and ethnic hatred as terrorist motivations: some of the terrorists ... are less constrained by considerations such as public support, casualties among innocent bystanders, and the prospect of retaliation. It may also reflect the increasing availability of information about making and using CB materials ... [S]ociety’s vulnerability to terrorist attack from CB or radiological materials is high, exacerbated by the lack of a tried and tested CB counter-terrorist response in some countries.”⁵⁴

107. In addition, the JIC assessed that Usama Bin Laden had successfully acquired non-conventional weapons:

“... It has become clear that Usama Bin Laden has been seeking CBRN materials ... His wealth permits him to fund procurement, training and experimentation to an extent unmatched by other terrorists ... Given the quantity and quality of intelligence about his interests in CB materials, the length of time he has sought them, and the relative ease with which they can be made, we assess that he has by now acquired or made at least modest quantities of CB materials – even if their exact nature and effectiveness are unclear. The significance of his possession of CB materials is that, in contrast to other terrorists interested in CB, he wishes to target US, British and other interests worldwide. There is also intelligence on training in the use of chemicals as weapons in a terrorist camp in Afghanistan, although it is not yet clear if this is under Bin Laden’s auspices ... Bin Laden’s attacks remain more likely to employ conventional weapons than CB materials.”⁵⁵

108. The JIC retained its conclusion that:

“... the indications of terrorist interest in CBRN materials have yet to be matched by a comparable amount of evidence about possession and intent to use CBRN. Most terrorists continue to favour conventional weapons, as easier to use, more reliable, safer and more controllable than CBRN materials.”⁵⁶

⁵⁴ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 119.

⁵⁵ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 120.

⁵⁶ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 121.

109. Security Council resolution 1267 (1999) noted the US indictment of Usama Bin Laden and deplored the fact that the Taliban continued to provide him with a safe haven “to operate a network of terrorist training camps ... and to use Afghanistan as a base from which to sponsor international terrorist operations”.⁵⁷

110. The resolution:

- insisted that the Taliban authorities should “comply promptly” with previous resolutions “and in particular cease the provision of sanctuary and training for international terrorists and their organisations ...”;
- demanded that the Taliban turn over Usama Bin Laden to a country where he could be “effectively brought to justice”; and
- decided to impose sanctions on the Taliban.

111. In January 2000, the JIC stated that :

“UBL retains his interest in obtaining chemical, biological, radiological and nuclear (CBRN) materials and expertise. In autumn 1999 there was intelligence that he had recruited ... chemicals specialists ... Our assessment remains that UBL has some toxic chemical or biological materials, and an understanding of their utility ... But we have yet to see hard intelligence that he possesses genuine nuclear material.”⁵⁸

112. By August 2000, the JIC concluded that, although other Islamist extremist groups had an interest in non-conventional weapons, Usama Bin Laden posed the most severe threat.⁵⁹

113. Addressing the terrorist threat from unconventional weapons in January 2001, the JIC stated:

“The actual threat does not match the media hype. Almost all the available intelligence refers to terrorist interest in CB materials, rather than to specific attack plans. There is no credible intelligence that any terrorist except UBL has the capability or serious intent to explore the use of weapons-grade materials – nor, except for Chechen extremists, radiological material. Terrorists interested in CB are generally those least constrained by public opinion ... [T]he risks of attacks using toxic materials have always been greater overseas.

“UBL has sought CBRN materials for use as terrorist weapons ... From his public statements and interviews it is clear that he believes it is legitimate to use them as weapons ...

⁵⁷ UN Security Council resolution 1267 (1999).

⁵⁸ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 122.

⁵⁹ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 123.

“In 1999 he sought equipment for a chemical weapons lab in Afghanistan, and claimed already to have ... experts working there.”⁶⁰

114. In 2001, Iran, North Korea and Libya were “probably of greater concern than Iraq” in terms of nuclear and missile proliferation.

115. By early 2000, intelligence had revealed that AQ Khan, who directed Pakistan’s nuclear programme, was discussing the sale of nuclear technology to countries of concern, and that he was at the centre of an international proliferation network.⁶¹

116. Sir William Ehrman, FCO Director International Security from 2000 to October 2002, told the Inquiry that, at the beginning of the century, the nuclear programmes of concern in Libya, Iran and North Korea were “maturing”.⁶²

117. Sir William confirmed that, in terms of nuclear and missile proliferation, Iran, North Korea and Libya were “probably of greater concern than Iraq”.⁶³

118. Mr Dowse told the Inquiry that:

“... by 2001 ... various international regimes had clearly delayed and obstructed proliferation, but we were extremely concerned that in some specific cases determined proliferators were making progress. We were concerned about Iran ... Libya ... Iraq ... North Korea ... and we had also begun to get information about the activities of AQ Khan in Pakistan who was offering nuclear assistance for weapons programmes covertly to a number of countries, notably Libya.

“So we had a sense that ... the international non-proliferation regimes were important but not sufficient ...”⁶⁴

119. Mr Dowse added that there was particular concern about nuclear weapons and concerns about the impact of biological weapons. But it was “often quite difficult to see” how the latter “would be easily usable in an inter-state conflict”.

120. Lord Wilson of Dinton, the Cabinet Secretary from January 1998 to September 2002, described AQ Khan’s activities as:

“One of the most chilling developments in my time ... truly chilling and hugely worrying.”⁶⁵

⁶⁰ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 124.

⁶¹ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraphs 64-65.

⁶² Public hearing, 25 November 2009, page 9.

⁶³ Public hearing, 25 November 2009, page 10.

⁶⁴ Public hearing, 25 November 2009, pages 6-7.

⁶⁵ Public hearing, 25 January 2011, pages 51-52.

121. Following the 9/11 attacks, the JIC assessed on 18 September that they had set a new benchmark for terrorist atrocity, and that terrorists seeking comparable impact might seek to use chemical, biological, radiological or nuclear devices. But only Islamic extremists such as those who shared Usama Bin Laden's agenda had the motivation to pursue attacks with the deliberate aim of causing maximum casualties.

122. The potential threat to UK interests would be higher the more closely the UK was identified with the US.

123. Following a request from Mr Blair for a reassessment of the nature and scale of the threat posed to the UK by terrorism and the contingency plans for dealing with it, the JIC considered whether the scale and nature of the terrorist threat to the UK had changed.⁶⁶

124. The key points made in discussion included:

- The attacks “marked a step change” and: “What had before been only an assessed possibility had now become a fact. A new benchmark had been set, and there could be no going back to the status quo ante.”
- “Even if the component parts of those attacks had not been wholly new, their sheer audacity, scale, co-ordination and ambition were novel.”
- “The terrorists with creativity and imagination would look for other ways to make as much impact. The draft [Assessment] needed to say more about the threat from chemical, biological, radiological and nuclear terrorism, which it underplayed.”
- “The paper needed to include some blue-sky thinking about what the future might hold, but to maintain a sense of proportion.”

125. Mr Scarlett concluded that “the draft needed reworking, in terms of both of its structure and framework, and of its detail”. A revised version would be circulated for further comment.

126. The Assessment, issued on 18 September, considered whether the attacks of 11 September changed the nature and scale of the terrorist threat to the UK, and the UK's potential vulnerability to major terrorist attack, and “the current and immediately foreseeable threat in terms of the intention and capability of known terrorist groups”.⁶⁷ The Assessment assumed that there would be “a continuation of the current political circumstances in which the UK is closely identified with the US”.

⁶⁶ Minutes, 14 September 2001, JIC meeting. As a Director in the Treasury Public Services Directorate responsible for the Defence, Diplomacy and Intelligence Team, Ms Margaret Aldred, the Secretary to the Inquiry, was present at the discussion.

⁶⁷ JIC Assessment, 18 September 2001, ‘UK Vulnerability to Major Terrorist Attack’.

127. The JIC's Key Judgements included:

- The attacks had “set a new benchmark for terrorist atrocity. The level of destruction and the public impact are unprecedented.”
- “Terrorists seeking comparable impact may try to use chemical, biological radiological or nuclear devices ...”
- The “potential scope for terrorist attacks” was “very wide”: “But in order to assess the threat to the UK, we need to consider both the capabilities and the intentions of the terrorist groups.”
- “Only Islamic extremists such as those who shared Usama Bin Laden’s agenda currently have the motivation to pursue” attacks “with the deliberate aim of causing maximum casualties”. The more closely the UK was identified with the US, “the higher the potential threat” to UK interests “both here and overseas”.
- Major attacks like those of 9/11 required considerable planning and were “therefore likely to remain relatively infrequent”.

128. Addressing the nature of international terrorist groups, the JIC stated:

“The word ‘groups’ can be misleading in the context of *Islamic extremist terrorists*. There are established groups in different countries, usually working to a national agenda, but the networks associated with UBL are changeable ad hoc groupings of individuals who share his agenda, and who may come together only for a particular operation.”

129. The Assessment stated that it was “not yet clear” whether the success of the 9/11 attacks would:

“... alter how international terrorist groups view the context in which they operate. But it has certainly changed the psychological landscape. What had seemed a remote possibility has become a fact ... Copycat attacks could follow. Some terrorists might feel driven to match or exceed the scale of casualties in order to achieve a comparable impact. Or they might seek the same sort of shock, for example by using chemical, biological, radiological or nuclear devices. On the other hand, the sheer horror of the destruction could lead to a backlash against wanton attacks by those who have previously supported terrorists. And if the US successfully mobilises a new coalition of allies to end ... UBL’s career, some groups, and especially supportive states, might be deterred. But it will be some time before intelligence is able to build up a picture of the actual effect of the 11 September attacks ...”

130. Conventional munitions or Improvised Explosive Devices (IEDs), “now including hijacked aircraft”, were “the most likely form of attack”. But there was a need to take into account the “following potential threats”:

- **Chemical warfare agents:** UBL's group was "assessed to have acquired a limited and unsophisticated chemical capability" and had been "reported at one stage to have seen potential use in assassinations and other attacks in small, confined spaces. But given time they might develop such ideas into plans to cause large numbers of casualties."
- **Some biological warfare agents:** Intelligence had indicated that "UBL and other Islamic extremists" had "shown an interest in BW agents and their effects".
- **Radiological dispersal devices:** There was "a considerable body of intelligence relating to trafficking in illicit nuclear materials, and intelligence that UBL possesses a small quantity of uranium. The use of uranium in a radiological dispersal device is extremely ineffective, and does not present anything other than the most minor of radiological hazards."
- **Improvised nuclear device:** This would be "harder to design and build than a radiological dispersal device. [...] Such a device would be large, fragile and probably unreliable. It would need to be delivered by a vehicle or boat, or assembled in situ. [...] Acquiring the fissile material (plutonium or highly enriched uranium) would be the major obstacle. No terrorists have the ability to make fissile materials, and we have no evidence that any have acquired enough for a weapon. A terrorist with explosives expertise could detonate a nuclear weapon acquired from a nuclear-armed state, although it is unlikely to give its intended yield, if any." There was "no credible intelligence to suggest that UBL or any other terrorist had acquired a nuclear device from the former Soviet Union".

131. The Assessment stated that the forms of possible attack from those threats were:

"... not new in themselves. We assessed in 1990 that Iraq could use chemical and biological agents in covert attacks on western countries as well as in conflict. But the 11 September attacks highlight the risk that extremist groups might turn to these means of attack in order to maximise death and disruption. Unlike states – in most circumstances – such terrorists cannot be deterred by the prospect of retaliation.

"Terrorists have already shown they can cause mass casualties by conventional means ... The difficulties in making or using chemical, biological, radiological or nuclear weapons (CBRN), though by no means insurmountable, may make those options less attractive to them. But CW and especially BW agents have the potential to produce casualties in excess of those seen in New York. Hence any use, or threat of use ... would generate a degree of terror and panic out of proportion to the low probability of a successful major attack."

132. Addressing who might have the capability and intent to threaten the UK, the Assessment stated that Islamist extremists had the "motivation to attack the West" and their means of operation made them "particularly difficult to identify and disrupt". The US was "their main target". Most Islamic extremists had not targeted the UK "to date", but "the UK, France, Israel and 'the West' generally" were a "second rank in their list of priorities".

133. The JIC judged that Hizballah, Hamas and Palestinian groups did not “currently intend to target UK interests”. That “could change if the situation in the Middle East deteriorates further”, but only Hizballah’s External Security Organisation had capability to “carry out significant attacks”.

134. Addressing the potential threat from Usama Bin Laden, the Assessment stated:

“In the context of UBL’s jihad, casualties and destruction could be an end in themselves as much as a means to an end.⁶⁸ He has no interest in negotiation and there is no indication that he can be deterred. Further major attacks by those who share his agenda cannot be ruled out, and may be more likely if UBL himself is killed and/or the US retaliates against Afghanistan. While his focus remains on the US and the Gulf, he has the capability to mount operations against the UK.”

135. The Assessment concluded:

“Further attacks in the near future are possible ... Nor should we conclude from the volume of intelligence on Islamic extremists’ aspirations that we necessarily face an escalating spiral of increasingly frequent attacks. Many will be disrupted ... Major attacks on anything like the scale seen in New York are likely to remain relatively infrequent. But the capacity to undertake them demonstrably exists.”

136. After 9/11, concerns in the UK about the risks of nuclear, biological, chemical and ballistic missile proliferation intensified.

137. In a speech addressing the Assembly on Terrorism on 1 October, Mr Kofi Annan, the UN Secretary-General, stated that, after the attacks of 9/11, “no one can dispute the nature of the terrorist threat, nor the need to meet it with a global response”.⁶⁹ He added that that would require:

“... Member States to live up to their responsibilities under international law. They must deal firmly with the reality of armed groups and other non-State actors who refuse to respect common principles of human dignity.

“It is hard to imagine how the tragedy of 11 September could have been worse. Yet, the truth is that a single attack involving a nuclear or biological weapon could have killed millions ... The greatest danger arises from a non-State group – or even an individual – acquiring and using a nuclear, biological, or chemical weapon. Such a weapon could be delivered without the need for any missile or any other sophisticated delivery system.”

⁶⁸ “UBL’s stated objective is to secure US withdrawal from the Middle East or, failing that, to provoke a reaction which would further demonise the US in the eyes of Muslims and destabilise moderate Arab states that he perceives as un-Islamic.”

⁶⁹ UN Press Release, 1 October 2001, *Secretary-General, Addressing Assembly on Terrorism, Calls for ‘Immediate Far-Reaching Changes’ in UN Response to Terror*.

138. Sir John Scarlett told the Inquiry that there had been “serious concern” in the autumn of 2001 about the availability of fissile material “especially from the former Soviet Union”, but he and Mr Miller both confirmed that there was no specific intelligence about potential supply to Iraq.⁷⁰

139. Sir David Manning, Mr Blair’s Foreign Policy Adviser and Head of the Cabinet Office Overseas and Defence Secretariat (OD Sec) from 2001 to August 2003, told the Inquiry that his American interlocutors were “very concerned about what was going on in North Korea”.⁷¹

140. Sir David also told the Inquiry that finds in Afghanistan had refocused attention on WMD and proliferation. There was pressure to deal with the Libyan programme and concerns about Iran and AQ Khan (in Pakistan).⁷²

141. The Butler Review described how, in early 2002:

“For the small group of policy-makers with access to the most sensitive JIC Assessments, there were increasing concerns about proliferation ... It [the JIC] 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.”⁷³

142. The Butler Review concluded that those elements “would 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”.⁷⁴

Assessment of Iraq’s WMD capability after 9/11

November to December 2001

143. FCO advice to Mr Straw and No.10 on Iraq’s nuclear, chemical and biological warfare programmes in early December was, in some instances, couched in more definitive terms than the language used by the JIC and omitted the JIC caveats.

144. Mr Dowse told the Inquiry that, shortly after 9/11, Mr Jack Straw, the Foreign Secretary, asked about Iraq’s ability to use WMD if it was attacked and that the assessment provided by the FCO drew on the existing JIC papers.⁷⁵

⁷⁰ Private hearing, 5 May 2010, page 49.

⁷¹ Public hearing, 30 November 2009, page 4.

⁷² Private hearing, 24 June 2010, pages 6-7

⁷³ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 256.

⁷⁴ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 257.

⁷⁵ Public hearing, 25 November 2009, page 44.

145. Mr Straw was sent copies of the December 2000 and May 2001 JIC Assessments in mid-November.⁷⁶ He was told that the Key Judgements were “unchanged” and the JIC would be reviewing its judgements and the “threat of onward proliferation of WMD expertise and technology from Iraq to terrorist groups” later that month.

146. The FCO informed Mr Straw that the main conclusions to be drawn included:

- Iraq “probably” had the capability to strike Israel and other countries “with missiles tipped with chemical and biological warheads”.
- It was “highly unlikely” that Iraq possessed a nuclear weapon, but it had “the motive and technology to develop a radiological device”.
- UN sanctions had “prevented the reconstruction of Saddam’s conventional military machine”.

147. The FCO advice also stated:

- Recent intelligence indicated that research and development on nuclear weapons continued and that Iraq was seeking equipment for a uranium enrichment programme.
- Iraq’s CBW capabilities were the “greatest concern”.
- It was judged that Iraq “was able to conceal large quantities of chemical and biological stocks”.

148. The FCO also provided a copy of the “current press lines”, including:

- The UK believed the “Baghdad regime” was “still hiding weapons of mass destruction in a range of locations”.
- The “Baghdad regime” had “continued to pursue ballistic missile, nuclear, chemical and biological programmes in breach of its UN obligations”.
- Iraq had “admitted hiding chemical, biological weapons and missile parts in the desert ... caves and railway tunnels”.
- The UK believed Iraq still had “chemical and biological agents and the means to deliver them in a range of locations”.
- Iraq had admitted producing chemical and biological warfare agents, the effects of which were “horrendous”.
- The UK believed the “Baghdad regime” had “recently accelerated its weapons programmes”.

⁷⁶ Minute FCO [junior official] to Dowse and PS [FCO], 13 November 2001, ‘Iraqi Capacity to Hit Back’. This mistakenly refers to an assessment in “November” 2000.

149. In support of the last statement the FCO identified:

- continued progress of Iraq's ballistic missile programme and repair of facilities damaged by Operation Desert Fox, and a belief that Iraq was planning to extend the range of its permitted missiles;
- concern about reports of increased nuclear procurement, a view that research and development on a nuclear programme had restarted, and a belief that if sanctions were lifted Iraq could develop a nuclear weapon within five years; and
- a belief that Iraq's biological and chemical weapons programmes were continuing.

150. The JIC Assessment of 28 November judged that:

- **Practical co-operation between Iraq and Al Qaida was “unlikely”; and there was no “credible evidence of covert transfers of WMD-related technology and expertise to terrorist groups”.**
- **Iraq was “capable of constructing devices to disperse chemical or biological agent, or radiological material”, but there was “no reliable intelligence of any Iraqi intent”. If the regime was under serious and imminent threat of collapse, WMD terrorism was possible but, in other circumstances, the threat would be “slight”.**

151. At the request of the FCO, the JIC assessed Iraq's support for terrorism on 28 November.⁷⁷ The Assessment is addressed in Section 3.1.

152. In relation to Iraq's capabilities and the possibility of proliferation to terrorist groups, the JIC Key Judgements stated that Saddam Hussein “would consider”:

“WMD terrorism, if his regime was under serious and imminent threat of collapse. In other circumstances **the threat of WMD terrorism is slight**, because of the risk of US retaliation.”

153. The Assessment concluded that “Iraqi capability and willingness to conduct **WMD terrorism**” was “not known with any certainty”. The JIC judged that Iraq was “capable of constructing devices to disperse chemical or biological agent, or radiological material”, but it had “no reliable intelligence of any Iraqi intent. Nor did it have:

“... any credible evidence of covert transfers of WMD-related technology and expertise to terrorist groups, or of any Iraqi role in the anthrax attacks in the US. Iraq would have to consider the risk of US retaliation ... On balance, we judge the **threat of Iraqi WMD terrorism is slight**, unless the regime was under serious and imminent threat of collapse.”

⁷⁷ JIC Assessment, 28 November 2001, ‘Iraq after September 11 – The Terrorist Threat’.

154. Mr Miller sent “a short note on Iraq’s WMD and ballistic missile capability”, which drew “heavily” on the JIC Assessment of 10 May, to JIC members on 30 November 2001.⁷⁸

155. Mr Miller described the main points as:

- Iraq “probably has a capability to target a limited number of ballistic missiles against other countries in the Middle East and Gulf regions, particularly Israel”.
- It was “possible that such missiles could be armed with chemical or biological warheads, although other conventional options for these weapons, such as aircraft or artillery, are available”.
- While Iraq was “judged unlikely to be able to acquire any nuclear capability in the short term”, the “construction of a radiological dispersal device” was “technically possible”.

156. The UK Government has been unable to find a copy of the note Mr Miller provided.⁷⁹

157. The FCO perspective on Iraq’s WMD capabilities and intentions was set out in a letter from Mr Simon McDonald, Mr Straw’s Principal Private Secretary, to No.10 on 3 December in response to a request from Mr Blair for a note on options for dealing with Iraq (see Section 3.1).⁸⁰

158. The letter stated:

“There is real reason for concern about Iraq’s WMD programmes, principally CBW and long range missiles. There is evidence of continuing Iraqi attempts to procure nuclear-related materiel. Saddam’s history of aggression and use of CW sets Iraq apart from other WMD-armed states.”

159. In an Annex addressing Iraq’s response to its obligations, the FCO stated that Iraq was:

“(a) **concealing information about large quantities of chemical and biological munitions, agents and precursors.** UNSCOM inspectors were unable to account for [material related to chemical weapons] and very large quantities of growth media acquired, on Iraq’s own admission, for the production of biological weapons;

(b) **concealing up to 20 long-range Al Hussein missiles;**

(c) **actively pursuing chemical and biological weapons and ballistic missiles.** The missile-related facilities damaged by Operation Desert Fox in 1998 have been repaired, research continues and new facilities are being constructed. Other former

⁷⁸ Minute Miller to Wright, 30 November 2001, ‘Iraqi WMD capability in the event of a US attack’.

⁷⁹ Letter Cabinet Office [junior official] to Aldred, 22 July 2015, ‘Declassification – 3.3-MA’.

⁸⁰ Letter McDonald to Tatham, 3 December 2001, ‘Iraq: Options’.

chemical and biological weapons facilities have been restored: some CW and BW-relevant activity is under way;

(d) **seeking to rebuild a nuclear weapons programme.** Recent intercepted Iraqi procurement efforts have involved material relevant to production of fissile material;

...

160. On 4 December, Mr Blair sent President Bush a paper setting out proposals for Phase 2 of the war against terrorism.

161. Mr Blair stated that Iraq was a threat because it had a WMD capability; was acquiring more; had shown its willingness to use it; could export that capability; and was in breach of UN Security Council resolutions.

162. Mr Blair sent President Bush a paper 'The War against Terrorism: The Second Phase' on 4 December (see Section 3.1).⁸¹

163. The paper comprised an overview of the possible approaches to potential terrorist threats in seven countries⁸² and a 'Strategy for Confronting Islamic Extremism' in moderate Muslim states.

164. In relation to Iraq, the key points included:

- Iraq was a threat because: "it has WMD capability; is acquiring more; has shown its willingness to use it; and can export that capability". Iraq was in breach of UN Security Council resolutions 687 (1991), 715 (1991) and 1284 (1999) and Saddam Hussein supported certain Palestinian terrorist groups and used terror tactics against Iraqi dissidents.

The decision to produce a dossier covering Iraq, Iran, North Korea and Libya

165. To inform preparations for the meeting between Mr Blair and President Bush in early April 2002, No.10 commissioned a number of papers in February 2002.

166. That included a paper for public consumption setting out the facts on WMD in relation to the key capabilities of countries of concern.

167. In his annual State of the Union Address on 29 January 2002 President Bush described the regimes in North Korea and Iran as "sponsors of terrorism". In relation to Iraq's WMD he stated that Iraq had continued to:

"... flaunt its hostility towards America and to support terror ... The Iraqi regime has plotted to develop anthrax, and nerve gas, and nuclear weapons for over a decade.

⁸¹ Paper Blair [to Bush], 4 December 2001, 'The War against Terrorism: The Second Phase'.

⁸² Indonesia, Iran, Iraq, Philippines, Somalia, Syria and Yemen.

This is a regime that has already used poison gas to murder thousands of its own citizens ... This is a regime that agreed to international inspections – then kicked out the inspectors. This is a regime that has something to hide from the civilised world.

“States like these, and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction these regimes pose a grave and growing danger.”⁸³

168. President Bush’s speech prompted a major public debate on both sides of the Atlantic about policy towards Iraq.

169. There were increasing indications that key figures in the US Administration were considering military action to achieve regime change in Iraq and an emphasis on the potential nexus for the fusion of WMD proliferation and terrorism.

170. On 13 February, Sir Christopher Meyer, British Ambassador to the US, advised that the hawks in Washington felt that they had won the argument about the need for military action; and that the US might want to issue an ultimatum on inspections but set the bar so high that Iraq would never comply.⁸⁴ The US could want UK endorsement for their vision by mid-March.

171. Mr William Ehrman, FCO Director International Security, reported that a meeting with Sir David Manning “and some others” had discussed Sir Christopher Meyer’s telegram “and the question of legal considerations related to military action against WMD proliferation”.⁸⁵ Mr Ehrman said he had outlined the legal difficulty in trying to argue that WMD development posed an “imminent threat”.

172. President Bush’s speech, Sir Christopher’s telegram and Mr Ehrman’s report of the discussion, and the development of UK thinking, are covered in more detail in Section 3.2.

173. Mr Tom McKane, Deputy Head of OD Sec from 1999 to 2002, told the Inquiry that a meeting in No.10 on 19 February (see Section 3.2) had commissioned “a large number of papers ... for the meeting between President Bush and Mr Blair at Crawford, Texas, in early April 2002”.⁸⁶

174. The request was recorded in Mr McKane’s minute of 19 February.⁸⁷ The papers included:

- “**Iraq** A paper analysing the options, the state of play on the UN resolutions, the legal base and the internal dimension – the state of the opposition groups etc.”
- “**WMD** A paper for public consumption setting out the facts on WMD ...”

⁸³ The White House, 29 January 2002, *The President’s State of the Union Address*.

⁸⁴ Telegram 197 Washington to FCO London, 13 February 2002, ‘US/IRAQ: The Momentum Builds’.

⁸⁵ Minute Ehrman to Goulty, 13 February 2002, ‘US/Iraq’.

⁸⁶ Public hearing, 19 January 2011, page 34.

⁸⁷ Minute McKane to Manning, 19 February 2002, ‘Papers for the Prime Minister’.

175. Mr Miller commented that the paper on WMD was “intended to be more about capabilities than proliferation”.⁸⁸

176. Ms Jane Hamilton-Eddy, one of the Deputy Heads of the Assessments Staff, wrote to the members of the JIC Current Intelligence Group (CIG) on proliferation on 22 February, with a first draft of the WMD paper which concentrated on Iran, Iraq, North Korea and Libya.⁸⁹ The draft drew heavily on US published sources.

177. Ms Hamilton-Eddy wrote that the aim was to include “relevant UK intelligence which helps to underpin our assessment”. Recipients, “particularly in the agencies”, were asked to “determine what additional material might be available”.

178. An article appeared in *The Observer* on 24 February reporting that the Government was planning to publish detailed evidence of Iraq’s nuclear capabilities.⁹⁰

179. A “senior No.10 official” was reported to have said that the meeting between Mr Blair and President Bush in April would “finalise Phase Two of the war against terrorism”, and “Action against Iraq” would be “at the top of the agenda”. As with Usama Bin Laden and the war in Afghanistan, it would be necessary to maintain public and international support for military action against Saddam Hussein. That was a “public persuasion” issue which would be tackled in the same way as the unprecedented “indictment” against Usama Bin Laden published by No.10 in October 2001 (see Section 3.1).

180. *The Observer* article also suggested that the document would “reveal that Iraq was attempting to amass rudimentary nuclear capabilities” and was “also investigating a way to launch ‘dirty’ nuclear bombs – unsophisticated devices which would nevertheless wreak havoc if used”.

JIC Assessment, 27 February 2002: ‘Iraq: Saddam Under the Spotlight’

181. A JIC Assessment issued on 27 February 2002 stated that Iraq continued to pursue its WMD programmes: design work for missiles with ranges greater than the UN limit of 150km was under way and it could produce chemical warfare agents “within weeks” of a decision to do so.

182. The JIC also introduced a new judgement that if it had not already done so, Iraq could produce significant quantities of biological warfare agent within days.

⁸⁸ Manuscript comment Miller on Minute McKane to Manning, 19 February 2002, ‘Papers for the Prime Minister’.

⁸⁹ Letter Hamilton-Eddy to JIC (Proliferation CIG) Members, 22 February 2002, ‘WMD Programmes of Concern’.

⁹⁰ *The Observer*, 24 February 2002, *Blair and Bush to plot war on Iraq*.

183. The JIC commissioned an Assessment of “Saddam’s threat perceptions and internal position: whether he is secure, what opposition he faces and what he is doing to try and avoid the internal and international threats he faces”.⁹¹

184. In its discussion of the draft, the JIC decided that the final Assessment:

“... needed to say a bit more about Iraq’s aspirations and potential in terms of Weapons of Mass Destruction, not least because this was, and would remain, an important area for policy discussions with the US. The Pentagon’s views on how soon Iraq might develop a nuclear capability did not quite match the UK’s, and it would be useful for Ministers to know the JIC’s mind.”⁹²

185. The Assessment, issued on 27 February, is addressed in detail in Section 3.2.

186. In relation to Iraq’s WMD, a Key Judgement stated that Iraq continued:

“... to pursue its WMD programmes. Design work for missiles with ranges greater than the UN limit of 150km was under way. If it has not already done so, Iraq could produce significant quantities of biological warfare agent within days and chemical warfare agents within weeks of a decision to do so.”⁹³

187. In relation to Iraq’s WMD capabilities, the Assessment stated:

“... Iraq continues to pursue the development of weapons of mass destruction.

“Though we lack precise data, Iraq has probably reconstituted many of the elements struck during Operation Desert Fox in December 1998.

“Iraq’s ballistic missile programme has extensively tested missiles under the 150km UN limit and intelligence indicates that design work for systems with ranges over 1,000km is under way.

“Iraq is assessed to have hidden 10-20 Al Hussein missiles (range 650km) capable of hitting Israel.

“Iraq also continues with its chemical and biological warfare (CBW) programmes and, if it has not already done so, could produce significant quantities of BW agent within days and CW agents within weeks of a decision to do so. These can be delivered by a variety of means. Methods of ensuring survivability of CBW production facilities from attack are a high priority.

“Procurement activity suggests that Iraq is continuing with a nuclear weapons programme, although its current status is unclear.

⁹¹ JIC Assessment, 27 February 2002, ‘Iraq: Saddam Under the Spotlight’.

⁹² Minutes, 27 February 2002, JIC meeting.

⁹³ JIC Assessment, 27 February 2002, ‘Iraq: Saddam Under the Spotlight’.

“Before the [1991] Gulf War intervened, Iraqi plans were well advanced and we judge they were only three years away from possessing a nuclear weapon.

“Were sanctions lifted now, we judge it would take Iraq at least five years to produce a nuclear weapon and a further two to produce a warhead.

“The acquisition of fissile material or significant technical assistance from abroad could significantly shorten this timescale.

“Iraq still has some low grade radioactive material which it could utilise in a radiological dispersal device, but there is no recent intelligence indicating that Iraq is pursuing such a course.”

188. The JIC judged:

“... **even if inspectors were allowed to return, Iraq would embark on a renewed policy of frustration**, involving denial, deception, obstruction and delay. Iraq would be able to conceal from inspectors much of its CBW work and research on longer range missiles, though probably not its missile production facilities.”

189. The JIC concluded:

“... if Saddam believed he was unable to deter a US attack to oust his regime, we judge he would go down fighting and could adopt high risk options, such as ... using weapons of mass destruction against US forces or Israel.”

190. The shortening of the timescale that Iraq would require to produce significant quantities of BW agent from “weeks” in the JIC Assessment of May 2001 to “days” was significant.

191. The Butler Report stated that continuing reports on Iraqi mobile biological agent production facilities, which were received from a liaison service, had had a significant impact on the Assessment.⁹⁴ The Butler Review had been told that was “based on a more thorough understanding of the capabilities of the mobile production facilities, and on [the] refurbishment of an Iraqi facility” which had been involved in research and biological agent production before the Gulf Conflict.

192. Other evidence on this point, in the context of the Assessment of 15 March, is addressed later in this Section.

193. Mr Simon Webb, MOD Policy Director, advised Mr Geoff Hoon, the Defence Secretary, that Saddam Hussein was “the strategic centre of gravity” of Iraq’s WMD programmes.

⁹⁴ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraphs 244-245.

194. Mr Webb also advised that Iraq's nuclear programme could move forward more quickly if it obtained fissile material from abroad.

195. Mr Webb, offered advice on the UK approach in response to President Bush's "axis of evil" speech to Mr Hoon on 27 February (see Section 6.1).⁹⁵

196. Mr Webb recommended that the UK should:

- acknowledge that the three countries identified by President Bush posed increasing risks to international stability; and
- persuade the US to explain why, releasing intelligence in a "road show".

197. Mr Webb also proposed adding Libya to the list of countries of concern.

198. Mr Webb sent Mr Hoon summaries of material on WMD programmes which might be released to European allies and informed him that the JIC was "working further on a public version".

199. In relation to Iraq, Mr Webb wrote:

"Iraq came close to developing nuclear weapons before the Gulf War, with medium range missiles. The containment policy since then halted her nuclear progress, eg by UN inspection regimes and bombing in 1998. But Saddam has kept trying: we do not currently assess him as having succeeded but the high level of technical capacity that Iraq has sustained means that they could move forward quickly, especially if Saddam could lay his hands on fissile material."

200. Mr Webb added that some of the programmes could be explained:

"... in regional terms: Iran and Iraq in particular respond to each other's fears. But once the capability exists, it will pose risks not just to each other but to the wider region."

201. Mr Webb also identified the potential risks to deployed forces and UK bases such as Cyprus, as well as the more general interest in stemming the tide of proliferation by using non-military and military options.

202. In the context of using international diplomatic pressure to control the proliferation of WMD, Mr Webb described Saddam Hussein as "the strategic centre of gravity of Iraqi WMD programmes". He added that "unless we tackle some of those cheating on their treaty obligations, the rest of the WMD regime will crumble".

203. The information sent to Mr Hoon about Iraq's ballistic missile and biological warfare programmes reflected the JIC Assessments.

⁹⁵ Letter Webb to PS/Secretary of State [MOD], 27 February 2002, 'Axis of Evil'.

204. On Iraq's nuclear weapon programmes, Mr Hoon was told:

- “• Until 1991 Iraq had a massive nuclear weapon project. If the Gulf War had not intervened, it might have produced a crude nuclear device by late 1993.
- It is assessed that Iraq has no capability to manufacture weapons-usable fissile material. However, some dual-use material may still be in the inventory.
- With the departure of the IAEA ... in December 1998, Iraq could have recommenced nuclear weapons activity as it retains skilled scientists and weapons design information.
- If sanctions were lifted or became ineffective Iraq could possibly develop its first nuclear weapon – a crude weapon for air-delivery – in 5-7 years; and a further 2-3 years to produce a warhead for missile delivery. These timelines could be shortened if it has procured fissile material from abroad.”

205. On Iraq's chemical weapons programme, Mr Hoon was told:

- “We assess that Iraq probably retains a stockpile, which could easily amount to more than 100 tonnes of agent.”
- “Iraq has the capability to start the production of significant amounts of mustard agent immediately, and the production of nerve agent within weeks of a decision to do so.”

206. In a letter of 27 February, Mr Ehrman questioned what was meant by the description of Saddam Hussein as the centre of gravity of Iraq's WMD programmes, asking whether it was “too sanguine to suggest, if that is the intention, that his removal would necessarily bring them to an end”.⁹⁶

207. Mr Ehrman expressed surprise at Mr Webb's assertion that “the bombing in 1998 helped to halt Iraqi progress in developing nuclear weapons”, commenting that the FCO understanding was that that was “not among the claims we made at the time”.

208. The evidence in Section 1.1 on the dismantling of Iraq's nuclear programme and the objectives of Operation Desert Fox supports Mr Ehrman's point.

209. The UK's understanding of the impact of Desert Fox is set out in the Box below.

Impact of Operation Desert Fox

The JIC assessed in May 2001 that Operation Desert Fox had:

- set back parts of the ballistic missile programme by up to a year;
- not attacked CW facilities;
- damaged the castor oil plant, but there was no known impact on BW capability;

⁹⁶ Letter Ehrman to Webb, 27 February 2002, ‘Axis of Evil’.

- damaged the aircraft shelters associated with the L-29 trainer, but no aircraft had been destroyed; and
- disrupted security organisations involved in Iraq's WMD, but those connected with concealment were unlikely to have been damaged.⁹⁷

The CIG Assessment of 15 March 2002 stated that a "few high profile sites" associated with Iraq's ballistic missile programme had been targeted in the operation.⁹⁸

The DIS advised in April 2002 that the "direct impact" of Operation Desert Fox on Iraq's CBW capabilities was "very limited, being confined to an attack on a single facility with BW potential, with no attacks at all on CW-related facilities".⁹⁹

The DIS understood:

- "Desert Fox was not intended to eliminate Iraq's ability to regenerate its **biological, chemical or nuclear weapons** programmes and had minimal effect on this ability."
- Even if the BW facility had been destroyed, "this would not greatly affect Iraq's capability to regenerate its BW programme".
- The Ministry of Industry and Military Industrialisation building, which was presumed among other things to have been "the administrative centre for Iraq's WMD programmes", had "sustained moderate damage".
- The value of the operation "from a WMD perspective" had been the damage to "Iraq's means of delivery". The DIS's internal assessment was that the "ballistic missile programme had been set back by a year, and that damage to some facilities could take up to another year to repair".

Mr Webb told the Inquiry that, after Operation Desert Fox, it had been concluded it was "not effective" and the MOD was "not able to offer any assurance that you would have been able to deal with the WMD problem solely by air power".¹⁰⁰

Subsequently Mr Webb stated that the operation had "a very useful effect on reducing the capacity of the Iraqi integrated air defence system" which was "posing a threat" to aircraft enforcing the No-Fly Zones.¹⁰¹

210. The Assessments Staff produced a revised draft of the dossier on 28 February.

211. Ms Hamilton-Eddy circulated a revised draft paper, 'WMD Programmes of Concern', on 28 February. She wrote that it:

"... seems to be coming along well. But there are a few areas where ... statements need to be backed up with evidence. Iraq continues to look a bit thin."¹⁰²

⁹⁷ JIC Assessment, 10 May 2001, 'Iraqi WMD Programmes: Status and Vulnerability'.

⁹⁸ CIG Assessment, 15 March 2002, 'The Status of Iraqi WMD Programmes'.

⁹⁹ Letter Barker to Hamilton-Eddy, 8 April 2002, 'Iraq: WMD'.

¹⁰⁰ Public hearing, 24 November 2009, page 76.

¹⁰¹ Public hearing, 24 November 2009, page 136.

¹⁰² Letter Hamilton-Eddy to [JIC Proliferation (CIG) members], 28 February 2002, 'WMD Programmes of Concern'.

212. The draft stated that it was “difficult to assess how close” Iraq was to “restoring its WMD capability, since the withdrawal of UN inspectors”. The sanctions regime had “hindered” reconstitution efforts, “although we believe these continue unabated”.¹⁰³

213. The draft set out descriptions of Iraq’s ballistic missile, nuclear and CBW capabilities which provided the basis for subsequent drafts.

214. The version sent to No.10 on 6 March is described later in this Section.

215. On behalf of Mr Webb, Mr Paul Schulte, MOD Director, Proliferation and Arms Control Secretariat, set out a number of concerns about the approach adopted, including that:

- the countries discussed in the paper were too narrow;
- there was a risk it would undermine the principle of not commenting on intelligence; and
- it would lead to questions about the action being taken and criticism of inaction.¹⁰⁴

216. Mr Webb suggested that the paper should address “only nuclear and missile issues in detail” and limit the “concerns over CBW to a more general statement” given that “In many cases, the arguments ... are somewhat thin and unconvincing”.

217. The DIS provided detailed comments from the MOD on the draft paper.¹⁰⁵

218. Most of the comments offered by the DIS on Iraq were incorporated in the draft paper sent to No.10 on 6 March.

219. A DIS document produced on 5 March stated that there was no definitive intelligence on Iraq’s concepts for the use of WMD.

220. At the request of Air Marshal Joe French, Chief of Defence Intelligence, the DIS produced a paper on 5 March examining “US military” options for removing Saddam Hussein over the next 12 months.¹⁰⁶

221. The paper is addressed in Section 6.1.

222. Addressing the possibility of Iraq using WMD, the DIS wrote that it had “no definitive intelligence” on Iraq’s concepts for the use of WMD:

“Iraq did not employ WMD against coalition forces ... [in 1991], nor against the subsequent internal uprisings. We judge that Saddam wished to avoid

¹⁰³ Letter Hamilton-Eddy to [JIC Proliferation (CIG) members], 28 February 2002, ‘WMD Programmes of Concern’ attaching Paper Cabinet Office, [undated], ‘WMD Programmes of Concern’.

¹⁰⁴ Letter Schulte to Hamilton-Eddy, 4 March 2002, ‘WMD Programmes of Concern’.

¹⁰⁵ Letter ADI PS [MOD] to Assessments Staff [junior official], 4 March 2002, ‘DIS Comments on WMD Programmes of Concern (Unclassified Paper)’.

¹⁰⁶ Paper DIS, 5 March 2002, ‘Politico Military Memorandum, Removing Saddam’.

regime-threatening retaliation from the coalition. Hence the use of WMD will be linked to perception of regime survivability. Were the regime in danger of imminent collapse, Saddam might consider use of WMD against internal opposition, US forces or Israel.”

223. The paper was sent to Mr Hoon, the Chiefs of Staff, Sir Kevin Tebbit, MOD Permanent Under Secretary (PUS), Mr Webb, Lieutenant General Sir Anthony Pigott, Deputy Chief of the Defence Staff (Commitments), and a small number of other individuals. It was also sent to Mr Scarlett and the Assessments Staff, Mr Tom Dodd, OD Sec, Ms Amanda Tanfield, Head of the Iraq Section in the FCO Middle East Department, and SIS.

224. The paper was subsequently included in the pack of reading material on Iraq for Mr Blair, which was sent to No.10 by Mr Scarlett on 1 August (see Section 3.4).

Public statements by Mr Blair and Mr Straw

225. From late February 2002, Mr Blair and Mr Straw began publicly to argue that Iraq was a threat which had to be dealt with.

226. In a memorandum to the Foreign Affairs Committee (FAC) in June 2003, the FCO stated:

“In the early months of 2002, British Government statements underlined the singular threat posed by Iraq’s behaviour.”¹⁰⁷

227. Before the Commonwealth Heads of Government Meeting in Australia, Mr Blair gave an interview to the *Australian Broadcasting Corporation* on 28 February in which he stated that he agreed with President Bush “very strongly that weapons of mass destruction represent a real threat to world stability”; and that: “Those who are engaged in spreading weapons of mass destruction are engaged in an evil trade and it is important that we make sure that we have taken action in respect of it.”¹⁰⁸

228. Mr Blair also stated that: “The accumulation of weapons of mass destruction by Iraq poses a threat, not just to the region but to the wider world.” President Bush was “absolutely right to raise it”.

229. On 3 March, Mr Blair was reported to have told *Channel Nine* in Australia that:

“We know they [Iraq] are trying to accumulate ... weapons of mass destruction, we know he’s prepared to use them. So this is a real issue but how we deal with it, that’s a matter we must discuss.”¹⁰⁹

¹⁰⁷ Memorandum FCO to Foreign Affairs Committee, 19 June 2003, ‘Further memorandum from the Foreign and Commonwealth Office – Building a case against Iraq’.

¹⁰⁸ *BBC News*, 28 February 2002, *Blair hints at Iraq action*.

¹⁰⁹ *BBC News*, 3 March 2002, *Blair gives Iraq new warning*.

230. Mr Blair was also reported to have argued that the lessons of 9/11 meant that such threats must be tackled; and that “if we don’t act we will find out too late the potential for destruction”.

231. In an article published on 5 March, Mr Straw stated that if Saddam Hussein refused to co-operate with weapons inspection, he would have to live with the consequences.

232. Mr Straw provided an article, published in *The Times* on 5 March, stating that:

“The stalemate between the United Nations and Iraq cannot go on for ever. For more than a decade, Britain and the United States have led the UN’s efforts to protect Iraq’s neighbours from aggression and protect the world from Iraq’s weapons of mass destruction.

“Iraq persistently flouts the authority of the UN Security Council and international law ...

“The threat from Iraq is not receding. Unique among the world tyrants, Saddam has both the ruthlessness and capability to employ weapons of mass destruction.”¹¹⁰

233. In relation to WMD the article stated that, since 1991:

- “... evidence has been building up that the threat from Iraq’s weapons programmes is growing once more”.
- “Many of the facilities damaged in 1998 ... in Operation Desert Fox had been repaired.”
- Iraq had “persisted with its chemical and biological weapons programmes” and was “developing ballistic missiles capable of delivering such weapons to targets beyond the 150km limit imposed by the UN”.
- There was “evidence of increased efforts to procure nuclear-related material and technology, and that nuclear research and development work [has] begun again”.
- Without the controls which had been imposed, “Saddam would have had a nuclear bomb by now”.
- Saddam Hussein had “both the ruthlessness and capability to employ weapons of mass destruction”.
- The regime had “admitted hiding” WMD.
- Iraq had admitted manufacturing chemical weapons and biological agents: “The destructive potential of these weapons beggars the imagination.”

¹¹⁰ *The Times*, 5 March 2002, *Saddam must allow weapons inspectors into Iraq or suffer the consequences*.

- The UN weapons inspectors, who had been “denied access to Iraq” could not “account for large quantities of materials used to make these deadly substances”.
- “The international community’s most pressing demand” was that Iraq should allow UN officials to inspect its weapons programmes.

234. The article concluded:

“We cannot allow Saddam to hold a gun to the heads of his own people, his neighbours and the world for ever. Intense diplomatic efforts will continue, and I hope they will achieve our aim of removing the threat which Iraq’s weapons of mass destruction pose to humanity. But if he refuses to open his weapons programmes to proper international inspection, he will have to live with the consequences.

“No decisions have been taken, but let no one – especially Saddam – doubt our resolve.”

235. In his reply to a debate in Westminster Hall on 6 March, Mr Ben Bradshaw, the Parliamentary Under Secretary for Foreign and Commonwealth Affairs, stated that the main concern was Iraq’s “determination to build weapons of mass destruction and the threat it poses, not just to its neighbours, but to the rest of the world”.¹¹¹

236. A briefing paper prepared at Mr Straw’s request was sent to members of the Parliamentary Labour Party and to the members of Cabinet. That described Iraq as a threat to the international community and its WMD programmes as “massive”.

237. The paper stated that if Iraq’s programmes remained unchecked, Iraq could develop a crude nuclear device in about five years.

238. A briefing paper on Iraq, prepared at Mr Straw’s request by his Special Adviser, Dr Michael Williams, was issued to the Parliamentary Labour Party (PLP).¹¹²

239. The paper provided more detail on the arguments for addressing the Iraqi regime as “a demonstrable threat to the stability of the region” which Mr Straw had set out in his article in *The Times*, including the key elements of the strategy of containment, Iraq’s failure to comply with most of the 27 obligations imposed in UN resolutions and criticism of Iraq’s “notorious” human rights record.¹¹³

240. In relation to WMD, the paper stated:

- The Iraqi regime was threat “as a result of its continued development of weapons of mass destruction”.

¹¹¹ House of Commons, *Official Report*, 6 March 2002, column 87WH.

¹¹² Statement, Lord Williams of Baglan, 9 January 2011, page 5.

¹¹³ Paper for the Parliamentary Labour Party, 5 March 2002, ‘Iraq Briefing’.

- Saddam Hussein's use of chemical weapons against Iraq's people and neighbours made him "unique among modern dictators".
- Saddam Hussein remained "determined to retain and rebuild his Weapons of Mass Destruction (WMD) and threaten the region".
- Iraq had "admitted hiding chemical, biological weapons and missile parts in the desert and in railway tunnels".
- "We believe Iraq is still hiding WMD in a range of locations."
- UN inspectors had been unable to account for significant quantities of precursor chemicals for use in the production of chemical weapons.
- "We fear Iraq is taking advantage of the absence of UN weapons inspectors to rebuild its WMD."
- If Iraq's weapons programmes remained "unchecked", Iraq "could redevelop offensive chemical and biological capabilities within a very short period of time and develop a crude nuclear device in about five years. Without the controls they would have developed a nuclear weapon by now."

241. Posing the question "Are you preparing for military action against Iraq?", the paper stated:

"We cannot ignore the threat Iraq poses to the international community through its massive programme of development of weapons of mass destruction."

242. Mr Straw's Private Office signed a letter to members of Cabinet on 6 March, suggesting that they might find the PLP briefing paper on Iraq "useful background".¹¹⁴

243. In response to press reporting about Iraq's potential to develop a crude nuclear device in about five years if its programmes remained "unchecked", Mr Dowse wrote to Dr Williams on 13 March, pointing out that the reference in the PLP briefing paper statement differed from the FCO's "usual line" on Iraq's nuclear weapons.¹¹⁵ That was that the development of a nuclear weapon would be possible only if UN sanctions were lifted. Mr Dowse added:

"... we believe that at present ... the Iraqi nuclear weapons programme is not 'unchecked' (CBW programmes are another matter) ..."

244. Mr Dowse wrote that the difference was "small, but significant" and it raised an issue in relation to the "draft public dossier on 'WMD programmes of concern', which the Cabinet Office was producing". Mr Dowse added:

"We clearly will now have to review the text, to avoid exposing differences with your paper."

¹¹⁴ Letter Sedwill to Rycroft, 6 March 2002, 'Iraq: Cabinet Discussion'.

¹¹⁵ Minute Dowse to Williams [Michael], 13 March 2002, 'Iraqi WMD – Public Lines'.

245. Mr Dowse concluded by underlining the importance of “very close co-ordination at a time when so much public briefing material is in preparation on WMD – and Iraqi – issues”.

246. On 6 March, Mr Blair published an article setting out why Iraq was still a threat to the UK.

247. An article by Mr Blair, ‘Why Saddam is still a threat to Britain’, was published in the *Daily Express* on 6 March.¹¹⁶

248. Mr Blair wrote that “we now have to face the fact that there are irresponsible states which either have, or are actively seeking, biological, chemical and nuclear weapons”, and that was a threat which President Bush had “rightly highlighted” in his State of the Union speech on 29 January.

249. In relation to the threat posed by Iraq, Mr Blair wrote:

- We “know ... from his own history that Saddam Hussein ... has mass destruction weapons and will use them ...”
- The UN had “demanded” in 1991 “that its representatives should be allowed into Iraq to dismantle his weapons of mass destruction and ensure he did not replace them” because Saddam Hussein had “used chemical weapons repeatedly against Iranian soldiers”, and had used them “against his own citizens when he attacked Kurds in northern Iraq”.
- The UN weapons inspectors had “discovered and destroyed thousands of chemical and biological weapons, including thousands of litres of anthrax and 48 missiles” before they had been “kicked out”.
- The inspectors were “convinced” that Saddam Hussein had “hidden other deadly arsenals and the plants to manufacture more” but could not track them down because of “almost daily obstruction”.
- It was important to “remain vigilant” about the threat posed by Saddam Hussein. If he was not restrained, “a volatile situation in the region could easily become a world crisis”.
- The fact that Saddam Hussein had been contained “for so long” did not mean the threat had gone away, he was “continuing his chemical and biological weapons programmes and ... the long-range missiles to deliver them”.

250. Mr Blair concluded:

“How we act is a matter for discussion ... [I]t is in the interest of all to face up to these threats with determination and resolve ...”

¹¹⁶ *Daily Express*, 6 March 2002, *Why Saddam is still a threat to Britain*, www.ukpressonline.co.uk.

DRAFT 'WMD PROGRAMMES OF CONCERN' PAPER, 6 MARCH 2002

251. Mr Scarlett told Sir David Manning that the draft paper for publication on WMD programmes of concern had taken a maximalist line, but said little that had not already been published by the US.

252. Mr Scarlett sent a draft paper setting out the facts “for public use” on WMD programmes of concern in Iraq, Iran, North Korea and Libya, which had been commissioned on 19 February, to Sir David Manning on 6 March.¹¹⁷

253. Mr Scarlett wrote that there were:

“reservations on several points:

- acknowledging that specific judgements draw on intelligence;
- including material that we know only from intelligence sources;
- going further than before in our accusations ...”

254. Mr Scarlett added:

“We can discuss these issues (and indeed whether the paper should only focus on Iraq) at your meeting tomorrow ... while the draft does take a maximalist line, it goes little further on most points than the material already published by the Americans (to whom we are showing this version in parallel).

“Getting the presentational tone right will clearly be key. We will need to consider at what stage to consult Alastair Campbell [Mr Blair’s Director of Communications and Strategy]. Alastair is aware that the draft paper is being shown to you today and stands ready to advise ...”

255. The Introduction to the draft paper stated:

- “Several countries have WMD programmes and missile systems to deliver nuclear, chemical or biological warheads. They are working to develop more accurate and longer range missiles that will allow them to threaten more than just their immediate neighbours.”
- “Several countries that promised not to acquire nuclear weapons are trying to build them; North Korea has probably already succeeded.”
- “There are similar problems over chemical weapons ... Saddam Hussein used chemical weapons ... as recently as the late 1980s.”
- “Some countries also have or wish to acquire, biological weapons, some of which have the potential to cause casualties on the same scale as nuclear weapons.”

¹¹⁷ Minute Scarlett to Manning, 6 March 2002, ‘WMD Programmes of Concern – Unclassified’ attaching Paper, ‘WMD Programmes of Concern’.

- “We know too that Usama Bin Laden’s Al Qaida has for several years tried to get nuclear, chemical and biological agents. They had some success, and may even have obtained some chemical, biological and radiological materials, before being seriously disrupted by coalition action in Afghanistan. They will keep on trying.”
- “These facts are alarming. This paper sets out what the Government knows about them, consistent with the protection of sensitive sources of information.”

256. In relation to nuclear proliferation, the draft paper drew attention to the “increasingly worrying evidence that several countries that have signed the NPT” were:

“... nonetheless seeking to breach the Treaty and acquire nuclear weapons. Such actions are illegal and destabilising. The governments concerned are themselves volatile and unpredictable. If these countries succeed in bypassing their international obligations and acquire nuclear weapons, the world will become immeasurably more dangerous.”

257. The Summary of Iraq’s capabilities stated:

- Iraq has a chemical and biological weapons capability.
- Iraq is seeking a nuclear weapons capability.
- Iraq is developing longer range ballistic missiles capable of delivering these weapons of mass destruction throughout the Middle East and Gulf Region.”

258. In the section on Iraq, the draft paper stated:

“Successful enforcement of the sanctions regimes and the UN arms embargo have hindered Iraq’s reconstitution efforts, although WMD programmes continue. Since the withdrawal of inspectors in 1998, monitoring of Iraqi attempts to restore a WMD capability has become more difficult.”

259. The draft paper stated that Iraq had “Retained more than a dozen prohibited Al Hussein (650km) missiles” and was “Working on designs for longer range missiles”. It highlighted Iraq’s achievements pre-1991, the use of ballistic missiles during the Iran-Iraq War and the 1991 Gulf Conflict, and, drawing on intelligence, Iraq’s more recent activities.

260. In relation to Iraq’s nuclear ambitions, the draft paper stated: “Iraq has a nuclear weapons programme, but it is unable to produce fissile material while sanction[s] remain in place.” The UK assessed that, in 1991, Iraq was “only three years away from possessing a nuclear weapon”, and:

“Iraq still wants a nuclear weapons capability and is working to achieve it. Much of their former expertise has been retained and there is intelligence that specialists have been recalled to work on a nuclear weapons programme. But Iraq needs certain key components and materials for the production of fissile material, which would be necessary before a nuclear bomb could be developed. Iraq is covertly

attempting to acquire nuclear related technology and materials, such as specialised aluminium, which is prohibited under the terms of international non-proliferation agreements because of its potential application to gas centrifuges used to enrich uranium.”

261. As long as sanctions hindered the import of “crucial goods”, Iraq “would find it difficult to produce a nuclear weapon”. It was assessed that “Iraq would need five years to produce a weapon” if all sanctions were lifted, and progress would be “much quicker if Iraq was able to buy suitable fissile material”.

262. In relation to chemical and biological weapons, the draft paper stated: “Iraq has a capability to produce CBW weapons at short notice.” It set out Iraq’s activities pre-1991, including its use of chemical weapons against Iran and Kurds in Northern Iraq; its history of denying its chemical and biological programmes; and the estimates of material produced which the UN weapons inspectors had been unable to account for.

263. The draft paper added that the UK assessed that Iraq had:

“... a covert chemical and biological weapons programme. All the necessary expertise has been retained. Iraq appears to be installing or repairing dual use equipment at suspect facilities, which could be used for chemical or biological weapon production ... Iraq is assessed to be self-sufficient in terms of producing biological weapons.”

264. The draft paper also stated that Iraq had developed “Strategies that enable key parts of the chemical and biological weapons programme to survive a military strike”; and that it was:

“... modifying L-29 light aircraft and seeking UAV [Unmanned Aerial Vehicle] technology, which would be suited for delivery of chemical and biological weapons.”

265. The draft paper was also sent to Sir Richard Wilson, Cabinet Secretary, the heads of the intelligence Agencies, Mr Peter Ricketts, FCO Political Director, AM French, Mr Webb, Mr McKane and Mr Miller.

266. Mr Miller sent the draft to the US Embassy in London asking for comments, including if it raised “any sensitivities from an intelligence perspective”, and any additional input that “might strengthen the public case”, by early the following week.¹¹⁸

267. At the JIC meeting on 6 March, Sir David Manning said it would be “very helpful if an updated assessment on Iraq’s WMD capabilities could be provided by the end of the following week”, to form part of the package of briefing being prepared for Mr Blair’s visit to the US.¹¹⁹

¹¹⁸ Letter Miller to US Embassy, 6 March 2002, ‘WMD: Public Handling’.

¹¹⁹ Minutes, 6 March 2002, JIC meeting.

268. Mr Scarlett invited the Assessments Staff to prepare a CIG Assessment.

269. The Assessment, issued on 15 March, is addressed later in this Section.

270. The UK Government has been unable to find any record of Sir David Manning's meeting on 7 March, at which the draft Cabinet Office 'Iraq: Options Paper' was also discussed.¹²⁰

CABINET, 7 MARCH 2002

271. Cabinet was told on 7 March that Iraq's WMD programmes posed a threat to peace.

272. Cabinet's discussion of the wider policy on Iraq is addressed in Section 3.2.

273. In relation to WMD, Mr Straw told Cabinet that "it was important to remind his colleagues of the background" of Iraq's failure to meet the obligations imposed by the Security Council, and that Saddam Hussein's:

"... regime continued to pose a threat to peace through its development of weapons of mass destruction (WMD) and the means to deliver them. UN weapons inspectors had been forced to leave Iraq in 1998 because they were close to exposing the full extent of Saddam's programmes."¹²¹

274. Mr Straw concluded:

"No decision had been taken on launching further military action ... but, it was important to ensure that the British public and international opinion understood the true nature of the threat posed by the regime and the need to respond effectively."

275. Cabinet Ministers raised a number of points in the subsequent discussion, including that "it was important to distinguish between the campaign against international terrorism and efforts to address the threat ... posed by the Iraqi regime's continuing development of WMD".

276. In his conclusion, Mr Blair stated:

"... the Iraqi regime was in clear breach of its obligations ... Its WMD programmes posed a threat to peace ..."

CABINET OFFICE, 'IRAQ: OPTIONS PAPER', 8 MARCH 2002

277. The Cabinet Office co-ordinated background paper on Iraq, commissioned on 19 February, was sent to Mr Blair on 8 March.

¹²⁰ Letter Cabinet Office [junior official] to Iraq Inquiry, 22 July 2015, [untitled].

¹²¹ Cabinet Conclusions, 7 March 2002.

278. Iraq's WMD capabilities were briefly summarised in line with the JIC Assessment of 27 February, including that Saddam Hussein would continue with his WMD programmes.

279. The Cabinet Office 'Iraq: Options Paper', commissioned by Sir David Manning and co-ordinated by OD Sec, was sent to Mr Blair by Sir David on 8 March, as part of the collection of "background briefs that you asked for" for the meeting with President Bush.¹²² The paper is addressed in detail in Section 3.2.

280. In relation to WMD, the paper advised that containment had:

- effectively frozen Iraq's nuclear programme;
- prevented Iraq from rebuilding its conventional arsenal to pre-Gulf Conflict levels;
- severely restricted Iraq's ballistic missile programmes; and
- hindered Iraq's biological and chemical weapons programmes.¹²³

281. The intelligence was "poor"; and there was no greater threat now that Saddam would use WMD than there had been in recent years.

282. The 'Options Paper' proposed consideration of a staged approach to establish international support for military action, advising that for the five Permanent Members (P5) and the majority of the UN Security Council to take the view that Iraq was in breach of the cease-fire provisions of resolution 687 (1991):

- “• 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
- ... Iraq refused to admit UN inspectors after a clear ultimatum by the 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.”

283. Mr Straw stated that the WMD paper had to show that Iraq posed an exceptional threat, and did not yet do so.

284. The Cabinet Office 'Options Paper' and the WMD paper were sent to Mr Straw on 8 March.¹²⁴ In relation to the draft paper on WMD, Mr Straw commented that it was:

“Good, but should not Iraq be first and also have more text? The paper has to show why there is an exceptional threat from Iraq. It does not quite do this yet.”

¹²² Minute Manning to Prime Minister, 8 March 2002, 'Briefing for the US'.

¹²³ Paper Cabinet Office, 8 March 2002, 'Iraq: Options Paper'.

¹²⁴ Minute McDonald to Ricketts, 11 March 2002, 'Iraq'.

JIC Current Intelligence Group Assessment, 15 March 2002

285. A Current Intelligence Group (CIG) Assessment of the status of Iraq's WMD programmes was produced to inform Mr Blair's discussions with President Bush. It stated that Iraq continued to pursue a policy of acquiring WMD and their delivery means.

286. A CIG Assessment, 'The Status of Iraqi WMD Programmes', was "approved on behalf of the Committee [JIC]" by Mr Miller on 15 March 2002.¹²⁵

287. The Assessment stated that it had been commissioned by the FCO "to aid policy discussions on Iraq", but the minutes of the JIC of 6 March suggest it was produced in response to a request from Sir David Manning specifically to inform Mr Blair's discussions with President Bush.¹²⁶

288. The Key Judgements in the Assessment were:

- “• Iraq **retains up to 20 Al Hussein ballistic missiles** ... The location and condition of these is unknown, but there is sufficient engineering expertise to make them operational.
- Iraq has begun development of **medium range ballistic missiles over 1,000km** ... but will **not be able to produce such a missile before 2007** provided that sanctions remain effective.
- 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.
- Iraq **may retain some stocks of chemical agents**. 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 already have done so.
- 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.
- A decision to begin CBW production would probably go undetected.
- Iraq can deliver CBW weapons by a variety of means including ballistic missiles. **Iraq's CBW production capability is designed to survive** a military attack and UN inspectors.”

¹²⁵ CIG Assessment, 15 March 2002, 'The Status of Iraqi WMD Programmes'.

¹²⁶ Minutes, 6 March 2002, JIC meeting.

289. In the main text, but not in the Key Judgements, the Assessment warned that the intelligence on Iraq's WMD and ballistic missile programmes was "**sporadic and patchy**". It added, however, that Iraq was:

"... 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 with the withdrawal of UNSCOM inspectors."

290. The detailed assessment of Iraq's capabilities is set out in the Box below.

CIG Assessment, 15 March 2002: 'Status of Iraqi WMD Programmes'

Ballistic missiles

- "Iraq has rebuilt much of the military production infrastructures associated with the missile programme 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."
- The **Al Samoud** missile had been "extensively flight-tested" and intelligence indicated that Iraq had "produced at least 50 ... including those test fired". Preparations were under way "to deploy some of these to military units".
- "Iraq has reportedly succeeded in developing a number of 200km variants of Al Samoud although it is unclear if these are for operational use or research and development for longer range systems."
- "A small number of transporter-erector-launchers (TELs) have been seen, although others may exist."
- Both the Al Samoud and the Al Hussein "could deliver basic chemical and biological warheads". There were "a limited number of launchers available" for the missiles. "Identification and destruction by US aircraft of these missiles" was "unlikely in the first few days of an attack".
- The "solid-propellant **Ababil-100** has also been tested and has reached ranges up to 150 km. We judge that this system is likely to become operational as an SRBM [short-range ballistic missile] within 2 years. It might enter service earlier as an artillery rocket. Intelligence indicates that Iraq has plans to extend the range ... to 250km."
- Iraq was "seeking to develop new, **larger liquid and solid propellant missiles**, contrary to UN limits".
- "Recent intelligence" indicated "personnel associated with the Al Samoud programme" had "now been tasked to concentrate on designing liquid propellant systems with ranges of 2,000-3,000km".

- “New intelligence” indicated “the main focus may be on the development of a SCUD derivative, which we judge has an intended range of around 1,200km”. “Work on an engine for this system began in 1998, involving personnel who had been reviewing the details of previous Al Hussein production since 1995, although by the end of the year 2000 they were still experiencing technical problems. Additional personnel were probably assigned to other parts of the programme during 2000. A large static test stand capable of testing liquid propellant engines bigger than the SCUD engine has been under construction since mid-2000, probably in support of this programme. Work on larger motor cases for longer-range solid propellant systems has been noted over the last 2-3 years.”
- “**UN sanctions and the work of the inspectors**” had “caused significant problems for Iraq’s missile industry in acquiring components and production technology, in particular, for improving guidance and control systems and therefore missile accuracy”.
- Iraq was “actively seeking to procure material for its missile programme”. Imports entered the country “mainly via Syria and the UAE, with some also coming through Jordan and Turkey”; “In the last six months, Iraq’s foreign procurement front companies have become bolder in approaching Western firms, [...]”

Chemical warfare

- The CIG continued “to judge that Iraq has an **offensive chemical warfare (CW) programme**, although there is very little intelligence relating to it”.
- From the evidence available, the CIG believed that Iraq retained “some production equipment, and some small stocks of ... agent precursors, and may have hidden small quantities of agents and weapons”.
- “**Anomalies in Iraqi declarations to UNSCOM**” suggested that “stocks could be much larger”.
- Intelligence on production facilities was “scarce”; and “the reconstructed former precursor ... facility near Habbaniyah” was “insufficient to support large-scale CW agent production. Other industrial chemical facilities could be used ... but we have no intelligence to suggest they are currently being used in that role.”
- Intelligence had “indicated an Iraqi interest in transportable production facilities for chemical weapons, but these could produce only small amounts of agent” and the CIG judged it “more likely that the mobile units are for filling munitions”.
- Iraq could produce “**Significant quantities of mustard within weeks**, using hidden stocks of precursors and with support from Iraq’s chemical industry”, and “**Significant quantities of nerve agents within months**, mainly sarin and VX”.
- Production of significant quantities of nerve agent would be “heavily dependent on hidden stocks of precursors, the size of which are unknown”. “There had been one uncorroborated report that Iraq had filled some artillery rocket munitions with VX in the period 1996-1998, and another that a team of chemists was formed in 1998 to produce 5 tons of VX. The source had been told that this had been completed by the end of 1998.”
- Iraq could also produce “incapacitants”.

Biological warfare

Work on a **biological warfare (BW) programme** had “continued throughout the period of UNSCOM inspections” and intelligence indicated “that this programme continues. Key figures from the pre-Gulf War programme are reported to be involved.” Research and development was “assessed to continue under cover of a number of legitimate institutes and possibly in a number of covert facilities”.

The CIG judged Iraq “could produce significant quantities of BW agents within days of a decision to do so”.

There was:

“... no intelligence on any BW agent production facilities, but one source indicates that Iraq may have developed **mobile production facilities**. A liaison source reports that:

- the transportable production programme began in 1995;
- 6 road-based facilities on trailers, and one rail based facility ... were constructed and by March 1999; three were operational;
- the facilities were capable of making five different (unspecified/unknown) biological agents. Between November 1998 and March 1999 20-30 tons of BW agent was produced.”

The CIG commented:

“Though not corroborated, we judge the reporting is technically credible. Imagery has yet to provide firm collateral but has identified a number of sites that could be associated with this programme. The mobile production facilities have yet to be identified.”

The CIG did not “know which types of agent are produced by these facilities” but judged that “Iraq currently has available either from pre Gulf War stocks or more recent production, anthrax spores, botulinum toxin, aflatoxin and possibly plague”.

- The “castor oil extraction plant at the former Habbaniyah chemical weapons site may provide the base for producing ricin”, although there was “no evidence that Iraq is currently doing so”.
- “Reporting that Iraq has also conducted research on smallpox and other toxins cannot be corroborated.”
- The JIC judged that Iraq was “self-sufficient in the production of biological weapons”.

Delivery means

- Intelligence indicated that Iraq had “command, control and logistical arrangements in place” for the use of chemical weapons.
- Iraq had a “variety of **delivery means** available for both chemical and biological weapons, some of which” were “very basic”.
- “Because of the shortage of some platforms, such as aircraft and helicopters, we judge that Iraq would not be able to conduct a sustained CBW campaign ... even if Iraq could produce enough CBW agents to do so. But a single major attack or a number of small attacks would be feasible.”

Nuclear weapons programme

- The CIG judged that Iraq **“does not possess a nuclear weapons capability”**, and that: “Its programme was effectively dismantled by the IAEA”.
- Although there was “very little intelligence”, the CIG continued to judge that Iraq was “pursuing a nuclear weapons programme” which was assessed to be:
“... based on gas centrifuge **uranium enrichment** ... the route Iraq was following for producing fissile material prior to the Gulf War. 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 last few years could be used in a uranium enrichment programme. There have been determined efforts to purchase high strength aluminium alloy ...”
- A shipment stopped in Jordan was inspected by the IAEA, “who accepted, that with some modifications ... would be suitable for use in centrifuges”. But there was “no definitive intelligence that the aluminium was destined for a nuclear programme”.

The CIG continued to judge 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.”

Iraq “was capable of producing an **improvised nuclear device**, but it lacks suitable fissile material. Iraq has in the past explored the use of **radiological dispersal devices**, but the design we have seen was not a credible weapon. There is no intelligence that Iraq is interested in such devices.”

Dispersal of key equipment

- Iraq had “temporarily dispersed key equipment from its missile production facilities” following 11 September 2001, and was “likely to do so again” if it believed an attack was “imminent”.
- Recent intelligence indicated that Qusay Hussein “has directed the Military Industrialisation Commission to ensure that all sensitive weapons and chemical technology was well hidden in case of further UN inspections, and that ‘destruction committees’ have also been formed at suspect CW facilities”.
- Dispersal made “the targeting of production equipment very difficult, but it also prevents any surge in production”.

291. The view that Iraq had used the period since the departure of the weapons inspectors in December 1998 to seek to enhance its capabilities and was pursuing a programme of concealment and deception was firmly embedded in UK thinking by March 2002.

292. There was also an impression that Iraq had a clear strategic intent to pursue its prohibited programmes.

293. The Butler Report concluded that, for Iraq, readers of JIC Assessments would:

“... 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 material.
- 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.”¹²⁷

294. The Inquiry concurs with that conclusion.

295. Mr Dowse told the Inquiry:

“If sanctions were to go ... our assessment was that Saddam would very quickly aim to rebuild his WMD programmes and then would pose a threat to his neighbours and international peace.”¹²⁸

296. Asked about the impact of international conventions, Mr Dowse added:

“... the view was that Iraq would be likely to ignore them. It had a long history of cheating, attempting to hide, attempting to evade those controls. So I would say we had very little doubt that Saddam would try to rebuild his programmes.”

297. Mr Hoon told the Inquiry that, having got the capability, Iraq was capable of using it.¹²⁹ Asked whether Iraq’s nuclear programme had been frozen, Mr Hoon responded:

“His [Saddam Hussein’s] nuclear programme had been frozen because of the absence of fissile material, but I think there was sense that his efforts to develop larger and longer-range missiles was part of an ambition to deliver a nuclear weapon, if he could secure the fissile material.”

298. Sir William Ehrman stated that, in relation to chemical and biological capabilities, there were concerns about Iraq, “particularly through the spring and summer of 2002”, although much of the intelligence on which that was based was subsequently withdrawn.¹³⁰ Iraq’s previous actions in using chemical weapons and its breaches of UN Security Council resolutions also made it a unique case.

¹²⁷ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 255.

¹²⁸ Public hearing, 25 November 2009, pages 15-16.

¹²⁹ Public hearing, 19 January 2010, page 27.

¹³⁰ Public hearing, 25 November 2009, page 10.

299. Sir William subsequently stated that, by August 2002, concerns about the Libyan nuclear programme and the Iranian and North Korean nuclear and missile programmes were top priorities in respect of the UK's counter-proliferation strategy; but so was Iraq:

“... because its WMD may be the exception to the rule that such programmes are usually driven by defensive needs and, more importantly, are most likely to be deployed against UK forces and those of our allies.”¹³¹

300. Sir Richard Dearlove, Chief of SIS from August 1999 to May 2004, told the Inquiry that, in spring 2002, Libya's WMD programme was viewed as a more serious problem than Iraq.¹³²

301. Sir John Scarlett told the Inquiry that the stronger judgement in the 15 March 2002 CIG Assessment about Iraq's capability to produce biological agents “reflected a better understanding of the mobile facilities ... and the refurbishment of a former production facility”.¹³³

302. Sir John Scarlett confirmed that there had been a change in the assessment between May 2001 and March 2002, as the influence of the reporting on mobile laboratories had “built up”.¹³⁴

303. Mr Miller told the Inquiry that there was a “slight strengthening in March [2002] of the judgement that BW production was likely to be continuing”.¹³⁵ That was based on a “slight accumulation of evidence” from reporting from a new source on a possible laboratory and previous reporting in May 2001 from an SIS source on “anthrax production in the early 1990s”, taken together with a “more thorough review of the reporting on mobile laboratories”.

304. Sir John Scarlett added that “it was judged by the experts to be technically credible and indicated significant production in 1998 and 1999” and it had been “set against separate reporting, not from the same source, on procurement of large amounts of growth media, which at that stage was influential in the assessment”.¹³⁶ That was the reason for the judgement that production of biological agent could begin within days, rather than the previous assessment of weeks.

¹³¹ Private hearing, 14 June 2010, pages 2-3.

¹³² Private hearing, 16 June 2010, page 27.

¹³³ Public hearing, 8 December 2009, pages 37-38.

¹³⁴ Private hearing, 5 May 2010, page 17.

¹³⁵ Private hearing, 5 May 2010, page 16.

¹³⁶ Private hearing, 5 May 2010, page 18.

305. The Butler Report also drew attention to uncertainties underlying the judgements in the Assessment on Iraq's:

- attempts to procure aluminium tubes;
- possession of plague; and
- chemical weapons programme.

306. The Butler Report stated that the Assessment had been “careful in its description” of the purpose of Iraq’s attempts to procure aluminium tubes.¹³⁷

307. The Butler Report explained that the seizure of aluminium tubes in Jordan in 2001 had not deterred Iraq from its efforts, and “By November 2001, there was intelligence that their requirement had increased to 100,000 tubes”. It had, however, been “clear from an early date” that, “on the basis of the specifications of the tubes” sought by Iraq, “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”. That was “paradoxical” given the “very fine tolerances” specified by Iraq.

308. An alternative explanation for the purpose of the tubes had been available “from the outset”.¹³⁸ Intelligence reporting in summer 2001 mentioned their potential use as rocket motor casings. One report recorded that Iraq had been seeking tubes of the same precise specification from Switzerland “probably for the Iraqi Air Force”. Other reports “suggested possible conventional military uses”.

309. Commenting on the inclusion of references to Iraq possibly possessing plague, the Butler Report stated that they seemed to have been included in the list of Iraq’s biological agents “mainly on the basis of reporting from a much earlier period”.¹³⁹ The judgement that Iraq could “possibly” produce plague within days “was stronger than was justified by more recent intelligence”. A report issued in 1999 had “noted that the informant was unaware of any Iraqi work on plague”. Comments on that report had “concluded prudently: ‘We do not currently have any evidence that plague forms part of the Iraq BW programme.’”

310. The Butler Report added that “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”. It concluded that those Assessments “reflected historic evidence, and intelligence of dubious reliability, reinforced by suspicion of Iraq, rather than up-to-date evidence”.¹⁴⁰

¹³⁷ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraphs 535-537.

¹³⁸ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 540.

¹³⁹ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 554.

¹⁴⁰ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraphs 564-565.

311. The Butler Report also stated that the Assessment fairly reflected the intelligence on Iraq's chemical weapons programme, and that the word "may" had been used to reflect previous intelligence reports on the production and weaponisation of chemical agent.¹⁴¹ But it added, "we believe the position is best described by a DIS commentary at the time", which stated:

"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."

312. Mr Miller told the Inquiry that there was little new intelligence on the chemical warfare programme, "but one of the reports on ballistic missiles had carried at least the implication that the person reporting believed that there was filling of missile warheads with chemical agents".¹⁴²

313. Sir John Scarlett told the Inquiry that the May 2001 Assessment on chemical agents had been "slightly stronger" than that of March 2002.¹⁴³

314. Mr Miller added that imagery had shown that plants which had been destroyed had been "recreated", "in some cases ... with apparently surprising levels of security".¹⁴⁴ But the reasons for the "less firm" assessment in March 2002 were "no longer completely clear". His view was that:

"... it reflected the judgement of the particular group of experts who had been convened on each occasion to look at the evidence. They reached slightly different conclusions on the weight to attach to it."

315. Sir John Scarlett also drew attention to the assessment of Iraq's ability to conceal and disperse its weaponry and that there was:

"... intelligence to show ... that thinking was being given to that and orders had gone out accordingly and there had been a temporary dispersal of what was called 'sensitive equipment' after 9/11."¹⁴⁵

316. Sir John added: "It was a firm underlying judgement that Iraq was pushing where it could, but there was little detailed intelligence on nuclear and chemical programmes." That had been "set against the underlying judgements [in earlier Assessments] on command and control and logistical support, weaponisation". But it did not answer the questions of what chemical or biological agents Iraq currently possessed or was producing.¹⁴⁶

¹⁴¹ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 276.

¹⁴² Private hearing, 5 May 2010, page 8.

¹⁴³ Private hearing, 5 May 2010, pages 9-10.

¹⁴⁴ Private hearing, 5 May 2010, page 10.

¹⁴⁵ Public hearing, 8 December 2009, page 38.

¹⁴⁶ Public hearing, 8 December 2009, pages 38-39.

Draft 'WMD Programmes of Concern' paper, 15 March 2002

317. The revised draft of the paper for publication on WMD programmes of concern sent to No.10 on 15 March incorporated new material strengthening the sections on Iraq's capabilities, including highlighting some unique features in relation to Iraq's violation of Security Council resolutions and Saddam Hussein's use of CW agents against his own people.

318. The draft included a diagram illustrating the impact of a nuclear warhead with a 20 kiloton yield exploding over London, despite the fact that Iraq did not have such a capability and there was no indication that Iraq would target the UK.

319. In response to a request from Sir David Manning to look hard at the facts on Iraq, which would come in for tough scrutiny, particularly about the missile programmes, Mr Miller advised on 11 March that:

- "... there is not much new intelligence in the paper. It is open to the question: so what has changed?"
- Mr Campbell had had "a first run through the draft" that morning, and thought it was on "the right lines" but "suggested a number of areas where more details could be included".
- Mr Campbell had "also commissioned an unclassified paper on the world trade in WMD".¹⁴⁷

320. Mr Scarlett sent what was described as a "final draft" of the paper on WMD programmes of concern to senior officials in the FCO, the MOD and the intelligence agencies, on 13 March.¹⁴⁸

321. Mr Scarlett wrote that the draft further reflected the views of No.10 on an earlier version, and that it was "broadly content with the thrust of the paper".

322. Mr Scarlett drew attention to the fact that there were "still some reservations on a number of key points", including going further than before in statements on Iran and Libya's nuclear programmes.

323. Mr Scarlett sought final comments before a meeting the following day "to resolve any outstanding issues".

324. The key changes to the draft paper submitted on 6 March were:

- The Introduction, Background and Aim were largely unchanged although a sentence was added to the last stating that the paper focused "on four countries, which we judge pose a potential threat to our interests".

¹⁴⁷ Minute Miller to Manning, 11 March 2002, 'WMD: Public Paper'.

¹⁴⁸ Minute Scarlett to C and others, 13 March 2002, 'WMD Programmes of Concern – Public Version'.

- The Summary of Iraq's capabilities had been revised to focus first on Iraq's ballistic missiles, including the addition of a statement that Iraq retained "some prohibited missile systems".
- A statement that Al Qaida would "continue with its efforts to acquire WMD and will use them if successful" was added to the Summary.

325. In the detailed section on Iraq, the key changes were:

- References to relevant UN resolutions and statements that Iraq was in breach of those resolutions and the NPT were added and emphasised throughout the text.
- Addition of text stating that the sanctions regime had "impeded" Iraq's efforts to reconstitute its capabilities, but had "not halted them. Much of Iraq's missile infrastructure has been rebuilt; the nuclear weapons programme is been [sic] reconstituted; and Iraq continues to have the capability to produce chemical and biological weapons, and may already have done so."
- The section on ballistic missiles was strengthened by the addition of further details, including:
 - Iraq had chemical and biological warheads available in 1991, but did not use them.
 - Recent evidence suggested that Iraq had succeeded in "reverse" engineering SCUD missile engines, which meant it could build new missiles.
 - Some Al Hussein missiles "could be available for use", and although they were "not very accurate" they were "still an effective system which could be used with a conventional, chemical or biological warhead".
 - Reporting had recently confirmed that Iraq's priority was "to develop longer-range missile systems, which we judge are likely to have ranges over 1,000km".
 - Removal of the reference to Iraq working on missile systems "with ranges up to 2,000km".
- The nuclear section was strengthened by the addition of text on:
 - Iraq's aim before the Gulf Conflict to produce a weapon with a 20 kiloton yield, "ultimately" for delivery in a ballistic missile warhead.
 - Details of the impact of such a weapon if it was used over London.
 - Intelligence in the last year which "indicated" that specialists were recalled to work on the nuclear programme "in the autumn of 1998".
 - Iraq exploration of the use of radiological dispersal devices before the Gulf Conflict, but there was "no evidence that they have maintained this interest".
- Detailed drafting changes to the text on chemical and biological weapons, including that Iraq's modification of the L-29 trainer was judged to be "designed for the delivery of chemical and biological agents".

326. Comments described as the “advice of DIS desk officers rather than the official DIS position”, were sent to the Assessments Staff in advance of Mr Scarlett’s meeting, including that:

- Iraq had not admitted “large-scale” production of VX agent until 1995; and
- there was insufficient intelligence to support a statement that the modification of the L-29 (jet trainer aircraft) was designed to disperse chemical and biological agents.¹⁴⁹

327. A record of Mr Scarlett’s meeting produced by a DIS participant stated that Mr Straw’s comment, that he had been “left with the conclusion that there is nothing exceptional regarding Iraq”, was “seen as a fair assessment”.¹⁵⁰ That was “to be considered further”. The drafting comments on Iraq offered in the email from AM French’s office had been accepted.

328. The DIS document which appears to have provided the basis for the DIS comments sent to the Assessments Staff on 14 March, contained one additional point on Iraq questioning the categorical statement in the Summary section of the draft that Iraq had a chemical and biological weapons capability.¹⁵¹ The author stated that that was historically correct, but:

“... we are currently unsure as to Iraq[’s] absolute capability. We feel there may be difficulty supporting this in the public domain. We should prefer a bullet point similar to ... Iran.”

329. The relevant statement on Iran was that:

“Iran has a chemical weapons programme and is capable of producing a wide range of chemical weapons. Iran is also capable of producing biological agents.”

330. The UK Government has been unable to locate a CO record of Mr Scarlett’s meeting.¹⁵²

331. A revised draft of the WMD paper, which had been agreed with the intelligence agencies in the UK and included some comments from the US, was sent to Sir David Manning by Mr Scarlett on 15 March.¹⁵³

¹⁴⁹ Email AMA/CDI to [junior official], 14 March 2002, ‘FW: WMD Programmes Draft’.

¹⁵⁰ Minute DDI CPAC to PS/CDI and others, 14 March 2002, ‘WMD Programmes of Concern – Public Version’.

¹⁵¹ Document [unattributed], [undated], ‘DIS comments on WMD Programmes of Concern’.

¹⁵² Letter Cabinet Office [junior official] to Aldred, 16 September 2015, ‘Iraq Inquiry Request for Documents’.

¹⁵³ Minute Scarlett to Manning, 15 March 2002, ‘WMD Programmes of Concern’.

332. Addressing points raised by policy departments, including in relation to Iraq, Mr Scarlett wrote that:

- In the context of Mr Straw's comment that an earlier draft did not demonstrate why Iraq posed a greater threat than other countries of concern, the new draft highlighted "some unique features" in relation to Iraq's violation of Security Council resolutions and Saddam Hussein's use of CW agents against his own people.
- Sir David might wish to consider whether the paper could achieve more impact if it "only covered Iraq": "This would have the benefit of obscuring the fact that in terms of WMD, Iraq is not that exceptional. But it would diminish the impact of the paper in terms of the wider problem of WMD proliferation."
- There was a "potential for some awkwardness" because the briefing document circulated to the PLP in early March stated that Iraq could have nuclear weapons in five years if its programmes remained unchecked.

333. Mr Scarlett also drew attention to the implications of making public for the first time the UK's assessments of Iran and Libya's nuclear and chemical programmes, and the omission of Syria because it was "not expected to develop capabilities threatening to western interests (no long-range missiles)" and it was "not clear" if it was "pursuing a nuclear programme".

334. Mr Scarlett suggested that Sir David might want to consider a wider discussion of the issues raised, and advised that it would be important to set the paper "in a wider policy context" and prepare defensive press material before it was released.

335. Mr Scarlett also mentioned a separate paper, on the world trade in WMD commissioned by Mr Campbell, which "might be more effective as an appendix" to the paper on WMD programmes of concern. That could be considered when a more developed text was available.

336. There is no evidence that Sir David sought a wider discussion.

337. Changes to the draft included:

- A revision to the Aim to state that the paper focused "on four countries, whose activities are assessed to pose a direct threat to our interests".
- Saddam Hussein's "demonstrated readiness to deploy extensively WMD in the form of chemical weapons both against his neighbours and his own population" before the Gulf Conflict.
- Reference to Iraq's failure to comply with UN Security Council resolutions.
- The statement that recent evidence indicated Iraq had succeeded in reverse engineering SCUD missiles was amended to "may have succeeded".
- Addition of a reference to the IAEA having dismantled Iraq's nuclear weapons infrastructure, and the removal of a reference to a judgement that Iraq still

wanted a nuclear weapons capability while retaining the judgement that it was working to achieve one.

- Removal of the reference to Iraq's past exploration into the use of radiological dispersal devices.
- The statement "We judge that Iraq has a covert chemical and biological weapons programme ..." was changed to: "We assess that ..."

338. An FCO note summarising the history of attempts to get weapons inspectors back into Iraq, sent to No.10 on 15 March, in response to a request from Mr Blair, is addressed in Section 3.2.¹⁵⁴

Decision to produce a dossier focused on Iraq

Proposal for a media strategy to prepare opinion for possible military action

339. The FCO News Department prepared a draft media strategy suggesting that momentum could be built by feeding the media information on WMD and ensuring that, if military action became necessary, it would be clear that other means had been exhausted and it was Saddam Hussein who was at fault.

340. It is not clear what prompted this advice or how authoritatively it represented the FCO position at the time. But it does provide an indication of the thinking in the FCO News Department about the prospect of military action. It was sent to Ministers and senior officials in the FCO, and to Mr Campbell in No.10.

341. As part of the wider policy debate on Iraq, which is addressed in Section 3.2, Mr Blair and Mr Straw were, by mid-March, both addressing the need for an effective message about the specific threat posed by Iraq to underpin the wider strategy.

342. Mr John Williams, Head of the FCO News Department, sent Mr Straw's Private Office advice on a media strategy on 11 March, stating:

"The process of preparing media and public opinion for possible action on Iraq is under way ...

"The Prime Minister's interviews in Australia and the Foreign Secretary's piece in *The Times* have established a solid base from which to work. The media has taken the point and is eager for detail. There is high interest in evidence being compiled for the dossier with [sic] the UK will share with the US.

"We should exploit this interest by feeding newspapers and broadcasters with information on WMD, diversion of imports for military use, and human rights abuse:

¹⁵⁴ Letter McDonald to Manning, 15 March 2002, 'Iraq' attaching Note, 'Iraq: Weapons Inspectors'.

all of it presented as evidence from the Government's forthcoming dossier. By doing so, we can build momentum."¹⁵⁵

343. Mr Williams identified the need to "encourage support from sympathetic newspapers and carry the argument to those likely to criticise our policy". Journalists who were "too easily inclined to discount the threat Saddam poses" should be "forced by the weight of facts" to justify their position. The exercise:

"... should be part of a big effort to convey more clearly than we have before a sense that we are proposing a peaceful means of dealing with the problem through the UN, while Saddam is deliberately making a peaceful solution impossible. We have to stop his propagandists portraying him as the victim, rather than the villain. If action becomes necessary, it must be clear to all but a minority in [the] media and public opinion that we have exhausted all other means, and that Saddam is at fault."

344. Mr Williams also suggested the need to co-ordinate information and activity between London and Washington and consideration of using the Communications and Information Centre (CIC).

345. Mr Williams provided a more detailed media strategy, "agreed with Middle East Command [in the FCO] and No.10 Press Office", which had been prepared by one of his staff and was "designed to co-ordinate and pace our efforts for maximum impact".

346. The objectives of the strategy were identified as:

- convincing people of "the real threat to their safety and security" from Iraq's WMD programmes;
- demonstrating that Iraq was "in breach of its international obligations to co-operate with the UN";
- preparing "public opinion in Britain and abroad ... for possible military action"; and
- rebutting allegations about the UK's policy, "e.g. that it is to toe the line or keep the Muslim world weak".

347. The strategy set out suggested key messages and a list of potential pitfalls, including balancing the need to prepare against the risk of "raising expectations that military action is a foregone conclusion before a final decision has been taken".

348. A list of potential media activities included:

- working with "No.10 and others on a dossier of releasable evidence about Saddam's weapons programmes"; and
- following "a decision in principle to take military action" establishing an FCO-led, CIC-style unit to "generate material" for use by the FCO and No.10.

¹⁵⁵ Minute Williams [John] to PS/Secretary of State [FCO], 11 March 2002, 'Iraq Media Strategy'.

349. Mr Williams told the Inquiry that he could “recall feeling it necessary” to produce the note, “though not what internal or external event prompted this”, and that “clearly there was a heightened activity in Whitehall at the time”.¹⁵⁶

350. The proposals were discussed in a meeting held by Mr Straw on 18 March. That is addressed later in this Section.

351. Mr Blair concluded on 17 March that the papers he had been given on Iraq did not constitute a properly worked out strategy and that he would need to provide the US with a far more intelligent and detailed analysis of a game plan if the UK was to influence its decisions.

352. That included a need to “re-order our story and message” to address the limited support for a policy of regime change.

353. In a minute to Mr Jonathan Powell, his Chief of Staff, on 17 March, Mr Blair noted the absence of a “proper worked-out strategy” on Iraq, and the need to provide the US “with a far more intelligent and detailed analysis of a game plan”.¹⁵⁷

354. Mr Blair wrote:

“The persuasion job on this seems very tough. My own side are worried. Public opinion is fragile. International opinion – as I found at the EU – is pretty sceptical.

“Yet from a centre-left perspective, the case should be obvious ...”

355. Mr Blair acknowledged that “the immediate WMD problems don’t seem obviously worse than 3 years ago”. He concluded: “So we have to re-order our story and message. Increasingly I think [these] should be about the nature of the regime.”

356. Asked to explain the thinking in his minute, Mr Blair told the Inquiry that, in relation to WMD, the:

“... question was about the changed assessment of the risk and the difficulty of making the case that Saddam Hussein posed a threat.”¹⁵⁸

Decisions to focus the dossier on Iraq but to postpone publication

357. Mr Straw concluded that the draft paper on WMD programmes of concern should be replaced by one solely on Iraq. A more general paper on other countries might be issued later.

358. Officials in No.10 agreed.

¹⁵⁶ Statement, December 2010, page 2.

¹⁵⁷ Minute Prime Minister to Powell, 17 March 2002, ‘Iraq’.

¹⁵⁸ Public hearing, 21 January 2011, pages 43-45.

359. Mr Straw held a meeting to discuss Iraq on 18 March, addressing preparations for Mr Blair's visit to the US, the current discussions between Iraq and the UN and public and Parliamentary handling.¹⁵⁹ The last item comprised:

- “– Media strategy ... and the next steps in the run-up to Crawford.
- Handling of paper for public use on WMD programmes of concern.
- Ensuring co-ordination.”

360. After the meeting, Mr Straw's Private Secretary recorded in relation to the public presentation of WMD:

“[T]he JIC paper for publication should be solely about Iraq. The Foreign Secretary has discussed this with Alastair Campbell, who agreed. The Foreign Secretary suggests the paper resemble Michael Williams' paper for the PLP, with the meat of the JIC material inserted, so that it covers the range of concerns about Iraq but also draws explicitly on intelligence material. He is content, thereafter, for a more general paper on WMD, including other countries programmes, to be issued.”¹⁶⁰

361. Mr Straw would write to Mr Blair “to flag up the main issues for Crawford, including a media strategy beforehand”.

362. Mr Straw would be:

“... willing to brief the Diplomatic Correspondents and the Muslim media on Iraq, perhaps launching the JIC paper. Overall, we should continue to highlight the WMD threat, increase the profile of the UN angle and play down the prospect for military action.”

363. Mr Straw agreed that the FCO News Department/CIC should be reinforced with expertise on Iraq.

364. Mr Straw's request for advice on a media strategy and the legal issues is addressed in Section 3.2.

365. Mr Campbell wrote to Mr Scarlett, Mr Powell, Sir David Manning and others on 19 March, stating that he had discussed the draft with Mr Straw and others and:

“The general view, including Jack's, is that with such a focus on the public debate on Iraq at the moment, we may be trying to do too much by looking at Iran and North Korea too.”¹⁶¹

366. Mr Campbell added that Mr Straw was making a speech to the Foreign Policy Centre on 25 March and “was wondering” whether an “Iraq only version” of the

¹⁵⁹ Minute Patey to PS [FCO], 15 March 2002, ‘Secretary of State's Meeting – Iraq: Monday 18 March’.

¹⁶⁰ Minute Sedwill to Patey, 18 March 2002, ‘Iraq’.

¹⁶¹ Minute Campbell to Scarlett and others, 19 March 2002, [untitled].

document could be published. Mr Straw was also thinking of making a statement to Parliament.

367. Mr Campbell asked: “Do you and copy recipients agree with this approach? Is it doable?”

368. The JIC was informed on 20 March that an unclassified paper on Iraq’s weapons of mass destruction was “due to be made public on 25 March, following detailed discussion with interested parties”.¹⁶²

369. The minutes of the JIC meeting record that:

“In a short discussion, the main point made was that the production of this document followed in the wake of similar exercises during the Kosovo conflict and after the events of 11 September. On each occasion there had been a need to use secret intelligence for public consumption, in this current case because of policy imperatives, but each case needed to be taken on its merits. In some circumstances it would be difficult to meet the political need for material to use in public.”

370. Concern was expressed about the potential to undermine the Government’s policy of not commenting on intelligence matters, which might merit further discussion “at some stage”.

371. Sir David Manning sought Mr Blair’s views on the publication of the document, which gave details of Saddam Hussein’s WMD programmes “drawn from intelligence, providing as much detail as we can safely reveal”, on 20 March.¹⁶³ Mr Campbell, Mr Powell, Mr Scarlett and he had discussed the handling of the paper and concluded that it should be issued “soon”. A speech or statement by Mr Straw on 25 March, which described “a regime which terrorises its own people and is determined to acquire WMD to terrorise its neighbours ... would be the cue for placing” the paper “in the Library of the House, and for subsequent briefing of the media”.

372. Sir David concluded:

“We discussed whether we should delay until after you have been to Crawford. On balance we concluded it would serve our purpose better to release the material now to avoid charges that this was an exercise that we had undertaken at Bush’s prompting.

“Are you content for us to go ahead on this basis?”

373. In a manuscript postscript, Sir David added that the proposal had been discussed with Mr Straw, who was happy but preferred a speech in the House to a statement.

¹⁶² Minutes, 20 March 2002, JIC meeting.

¹⁶³ Minute Manning to Prime Minister, 20 March 2002, ‘Iraq’.

374. There is no indication in the No.10 papers sent to the Inquiry of a response from Mr Blair.

375. Sir David Manning wrote on 2 April: “Not to issue at present.”¹⁶⁴

376. A revised draft paper on Iraqi WMD programmes was produced on 20 March, explicitly stating that Iraq was in breach of UN Security Council resolutions and giving more prominence to its strategies for concealment.

377. Mr Miller sent the draft paper, which was “very much as you have seen it before”, to the US Embassy asking for “final comments”.¹⁶⁵

378. Mr Miller also wrote to Sir Richard Dearlove, Sir Francis Richards (Director of the Government Communications Headquarters (GCHQ)) and AM French with a similar request.¹⁶⁶

379. The Introduction of the draft paper had been revised to place the UK’s concerns in the context of the failure of a few countries to sign the NPT, the CWC and BTWC or a decision, if they had signed, “to break them”.¹⁶⁷

380. The Introduction focused on Iraq’s failure to comply with the NPT, its previous use of chemical weapons, and its failure to comply with relevant UN resolutions adopted since the 1991 Gulf Conflict. It also stated:

“The International Community has repeatedly sought to disrupt Iraq’s efforts to acquire WMD. On each occasion Saddam has sought to rebuild his capabilities. His efforts are making progress. The Government monitors these efforts very closely. This paper sets out what the Government is able to say about them.”

381. The Introduction remained unchanged in all subsequent versions of the document produced before September.

382. Other changes in the draft paper included:

- An acknowledgement that Iraq’s nuclear weapons infrastructure had been dismantled by the IAEA, but the addition of a judgement that Iraq was “still working to achieve a nuclear weapons capability”. That was in breach of its NPT and IAEA obligations, and resolution 687 (1991).
- A reference to Iraq’s obligation under resolution 707 (1991) to “cease all nuclear activities of any kind other than the civil use of isotopes”.

¹⁶⁴ Manuscript comment Manning, 2 April 2002, on Minute Manning to Prime Minister, 20 March 2002, ‘Iraq’.

¹⁶⁵ Letter Miller to US Embassy, London, 20 March 2002, ‘Iraqi WMD Programmes’.

¹⁶⁶ Letter Miller to C and others, 20 March 2002, ‘Iraqi WMD Programmes’.

¹⁶⁷ Letter Miller to C and others, 20 March 2002, ‘Iraqi WMD Programmes’ attaching Paper Assessments Staff, [undated], ‘Iraqi WMD Programmes’.

- A statement that extending short-range missile systems beyond 150km and retention of Al Hussein missiles would be a breach of resolution 687.
- The addition, to the assessment that Iraq had a covert chemical and biological weapons programme, of a statement that Iraq was in breach of resolution 687.
- The addition of a judgement that Iraq had the capability to produce cyclosarin.
- A box setting out the effects of anthrax, botulinum toxin and aflatoxin.
- A statement that: “Strategies to conceal and protect key parts of the chemical and biological weapons programmes from a military attack or a UN inspection have been developed.” These included “use of transportable laboratories; use of covert facilities; dispersal of equipment when a threat is perceived”.
- A statement that: “Some of these techniques [concealment and protection] also apply to the nuclear and missile programmes. In particular we know that the Iraqi leadership has recently ordered the dispersal of its most sensitive WMD equipment and material.”

383. Commenting on the draft of what he described as the “WMD Proliferators’ Dossier”, Mr Sebastian Wood, Counsellor for External Affairs at the British Embassy Washington, suggested there was a need to “try to present the paper in its wider context alongside other evidence of our commitment to a wide range of non/counter-proliferation tools”.¹⁶⁸

384. In response to receiving a copy of the draft text on Iraq only, Mr Wood wrote to Mr Ricketts:

“Firstly, if the primary aim of this exercise is to build public understanding of and support for decisive action to prevent Saddam’s further acquisition of WMD, we think that whatever is published should spotlight the nexus between State sponsors of terrorism and WMD, and the associated risk that State-developed WMD technology is made available to terrorists who would not hesitate to use it: the [US] Administration have repeatedly stated that this is their number one concern, and focusing the dossier on this risk would bring out more vividly the threat to the UK. Neither does that at the moment.”¹⁶⁹

385. Mr Wood questioned the urgency in producing the document and recommended that US policy officials, including Dr Condoleezza Rice, President Bush’s National Security Advisor, should be given a chance to comment on the tactics and timing of publication: “We would not want them to think we are bouncing them on such a politically sensitive issue.”

386. Mr Straw was advised on 22 March that the evidence would not convince public opinion that there was an imminent threat from Iraq.

¹⁶⁸ Fax Wood to Miller, 20 March 2002, ‘WMD Proliferators’ Dossier’ attaching Minute O’Neill to Wood, 20 March 2002, ‘WMD Proliferators’ Dossier’.

¹⁶⁹ Fax Wood to Miller, 20 March 2002, ‘WMD Proliferators’ Dossier’ attaching Email Wood to Ricketts, 20 March 2002, ‘Re: US/UK: WMD paper’.

387. Publication of the document was postponed. The Cabinet Office was given the responsibility of co-ordinating preparation of a public “dossier; Mr Campbell was to “retain the lead” on its form and the timing of publication.

388. Mr Miller sent “the latest version of the paper for public consumption setting out the facts on Iraq’s weapons of mass destruction” to Sir David Manning on 21 March.¹⁷⁰ He added: “The intelligence agencies here have had a final look at it.” The document also incorporated earlier comments from the US.

389. Mr Miller reported to Mr Scarlett that Mr Ricketts had “held a meeting of all concerned” on 21 March and that, after the meeting, No.10 had “decided to delay publication till a decent interval after Crawford”.¹⁷¹

390. Mr Miller added: “There are nonetheless some points for us to consider”, including:

- “Peter’s meeting was very concerned that our first paragraph on CBW ... was general figures, not the specific numbers used recently and for some time) by the FCS [the Foreign and Commonwealth Secretary]. I explained that the US had asked for the change, not recognising the old figures, and that the DIS had in any case recently amended their estimates. Peter planned to draw this to Mr Straw’s attention. His Private Office ... thought the paper should be delayed until the figures were amended and issued in a PQ [Parliamentary Question]. We need to press the DIS to ensure they stand by their new figures ...”
- Sir David Manning would not show the paper to Dr Rice until Mr Blair had approved it.

391. The announcement of the revised estimates produced by the DIS is addressed later in this Section.

392. In a personal minute to Mr Straw on 22 March, Mr Ricketts wrote that there were “two real problems” in supporting US objectives “which need discussing”.¹⁷² The first was the threat from Iraq:

“The truth is what has changed is not the pace of Saddam’s WMD programmes, but our tolerance of them post-11 September. This is not something we need to be defensive about, but attempts to claim otherwise publicly will increase scepticism about our case. I am relieved that you decided to postpone publication of the unclassified document. My meeting yesterday showed there is more work to do to ensure that the figures are accurate, and consistent with those of the US. But even the best survey of Iraq’s WMD programmes will not show much advance in recent years on the nuclear, missile or CW/BW fronts: the programmes are extremely worrying but have not, as far as we know, been stepped up.”

¹⁷⁰ Minute Miller to Manning, 21 March 2002, ‘Iraqi WMD Programmes – Public Version’.

¹⁷¹ Note (handwritten) Miller to Scarlett, 21 March 2002, ‘Iraq: WMD’.

¹⁷² Minute Ricketts to Secretary of State [FCO], 22 March 2002, ‘Iraq: Advice for the Prime Minister’.

393. Mr Ricketts added:

“US scrambling to establish a link between Iraq and Al Qaida is so far frankly unconvincing. To get public and Parliamentary support for military operations we have to be convincing that:

- the threat is so serious/imminent that it is worth sending our troops to die for;
- it is qualitatively different from the threat posed by other proliferators who are closer to achieving nuclear capability (including Iran).

“We can make the case on qualitative difference (only Iraq has attacked a neighbour, used CW and fired missiles against Israel). But the overall strategy needs to include re-doubled efforts to tackle other proliferators ... in other ways ... But we are still left with a problem of bringing public opinion to accept the imminence of a threat from Iraq. This is something the Prime Minister and President need to have a frank discussion about.”

394. Mr Ricketts’ advice on the second problem, the end state of military operations, is addressed in Section 3.2.

395. In a separate minute to Mr William Patey, FCO Director Middle East, and others on 22 March, Mr Ricketts wrote:

“We now have a bit more time to prepare the public dossier of material on Iraq. We need to use it to ensure that the material is accurate and meets the presentational needs of Ministers.”¹⁷³

396. Mr Ricketts added that he had asked No.10 to consider asking the Cabinet Office to take forward work on the dossier through an inter-departmental group. That would need to:

“... ensure that the US policy community gets enough time to consider our draft paper and comment on it. Ideally, David Manning would send it to Condi Rice soon as work in progress ... We will need to keep the Embassy in Washington and UKMIS New York in the loop.”

397. Mr Ricketts envisaged that the dossier would also be sent to key European allies in advance of publication.

398. A manuscript note on Mr Ricketts’ minute from Mr Matthew Rycroft, Mr Blair’s Private Secretary for Foreign Affairs, recorded that Sir David Manning had agreed an inter-departmental group chaired by Mr McKane “could usefully meet after Easter on the

¹⁷³ Minute Ricketts to Patey, 22 March 2002, ‘Iraq: Preparing Material for Public Release’.

substance of public dossier”; Mr Campbell “should retain the lead role on the timing/form of its release.”¹⁷⁴

399. In his statement for the Inquiry, Mr McKane wrote:

“There was a concentration on ensuring that we produced a document which would make an impact. I therefore had to include as much fresh material as possible. But throughout the process we were clear that the material had to be factually accurate and as comprehensive as possible. We drew from a range of sources, both open and classified, including intelligence material. I relied on the Cabinet Office Assessments Staff and other representatives of the intelligence community to advise on the accuracy of the material which they were providing and the benefits and risks of using intelligence material in a public document.”¹⁷⁵

400. Mr McKane told the Inquiry that there was a debate in Whitehall about whether Iraq represented a greater threat than the other countries, and that “the distinguishing feature of Iraq was that ... they had actually used these weapons”.¹⁷⁶ He added that he was aware of differences of view about whether it was sensible to publish the document at that stage.

401. Following a discussion with Mr Tony Cragg, Deputy Chief of Defence Intelligence, about a proposed amendment to the paper, a junior official in the DIS recorded that he had been told on 26 March by a junior official in the Assessments Staff that the latest plan was for the paper to be issued after a “decent interval” following Mr Blair’s meeting with President Bush.¹⁷⁷ The Assessments Staff official was not sure when that meeting would take place.

402. *The Guardian* reported on 1 April that the UK Government had “indefinitely delayed publishing a dossier revealing damning evidence against Saddam Hussein”, which had been “trailed by” Mr Campbell.¹⁷⁸ It would “now be published when ‘it is believed to be appropriate’”. The article suggested that No.10 feared publication would add to “fevered speculation of an imminent strike”, and that “Labour MPs considered the outlines of the evidence to be unconvincing”.

403. *The Guardian* also reported that there had been:

“... intense discussions within the intelligence community about what should be published and how much speculation it should contain.

¹⁷⁴ Manuscript comment Rycroft to McKane, 25 March 2002, on Minute Ricketts to Patey, 22 March 2002, ‘Iraq: Preparing Material for Public Release’.

¹⁷⁵ Statement, 8 December 2010, page 4.

¹⁷⁶ Public hearing, 19 January 2011, page 72.

¹⁷⁷ Email AD(GI) WMDP to DI GI PA, 26 March 2002, ‘Public Paper on Iraq’.

¹⁷⁸ *The Guardian*, 1 April 2002, *Blair delays Iraq dossier release*.

“In the end it was agreed that the dossier should be ‘factual’ ... MI6 was also concerned that it should not contain any information that could threaten its intelligence sources ...

“However, many of the new allegations ... are based on assumption and speculation ... evidence about Baghdad’s development of biological weapons ... is largely based on what was discovered by UN weapons inspectors back in 1998.

“Even the CIA [Central Intelligence Agency] admits that intelligence gathered after that date ... is far from reliable.”

Mr Hoon’s and Mr Straw’s advice for Mr Blair, March 2002

404. Mr Hoon and Mr Straw both wrote to Mr Blair before the meeting with President Bush at Crawford, Texas on 5 to 6 April 2002.

405. In relation to Iraq’s WMD:

- **Mr Hoon emphasised the importance of a wider counter-proliferation strategy in the Middle East, stating that, in objective terms, Iran might be a bigger problem for the UK than Iraq.**
- **Mr Hoon also stated that a number of issues would need to be addressed before forces were committed to military action, including the need for a comprehensive public handling strategy convincingly to explain why such drastic action against Iraq’s WMD was needed now.**

406. The preparations for Mr Blair’s meeting with President Bush in early April 2002, including minutes to Mr Blair from Mr Hoon on 22 March and Mr Straw on 25 March which raised a range of issues, are addressed in detail in Section 3.2.

407. In relation to the threat posed by Iraq’s WMD, Mr Hoon wrote:

“The key strategic problem is the spread of WMD – of which Saddam is only one unpleasant dimension. A more active counter-proliferation strategy is required for the region as a whole (for example any Iraqi government will seek WMD if Iran is getting them so our strategy must cover both) ...

“... In objective terms, Iran may be the greater problem for the UK ... Ironically, we have Saddam Hussein bound into an established control mechanism. There is some substance in the US view that he as an individual is at the root of the WMD risk in Iraq. But any Iraqi government is likely to try and achieve a balance of forces with Iran ...”¹⁷⁹

¹⁷⁹ Minute Hoon to Prime Minister, 22 March 2002, ‘Iraq’.

408. Mr Hoon also proposed that Mr Blair might raise with President Bush “the need for a comprehensive public handling strategy, so that we can explain convincingly why we need to take such drastic action against Iraq’s WMD now”.

409. Mr Straw pointed out that the evidence did not explain why the threat from Iraq would justify military action.

410. On 25 March, Mr Straw sent a personal minute to Mr Blair on the way ahead on Iraq.

411. In relation to the draft document for publication, Mr Straw wrote that making the case that “Saddam and the Iraq regime are bad” was “easy”, but there were four areas where there was “a long way to go to convince” the PLP, including about “the scale of the threat from Iraq and why this has got worse recently” and “what distinguishes the Iraqi threat from that of eg Iran and North Korea so as to justify military action”.¹⁸⁰

412. Mr Straw advised that the Iraqi regime posed “a most serious threat to its neighbours, and therefore to international security” but, from “the documents so far presented it has been hard to glean whether the threat from Iraq is so significantly different” as to justify military action. There was:

“... no credible evidence to link Iraq with UBL and Al Qaida ...

“... Objectively, the threat from Iraq has not worsened as a result of 11 September. What has, however, changed is the tolerance of the international community ...”

413. Addressing the difference between Iraq, Iran and North Korea, Mr Straw wrote:

“By linking these countries together in his ‘axis of evil’ speech, President Bush implied an identity between them not only in terms of their threat, but also in terms of the action necessary to deal with the threat. A lot of work will now need to be done to delink the three, and to show why military action against Iraq is so much more justified than against Iran and North Korea. The heart of this case – that Iraq poses a unique and present danger – rests on the fact that it:

- invaded a neighbour;
- has used WMD, and would use them again;
- is in breach of nine UNSCRs.”

MOD consideration of Iraq’s ability to acquire a nuclear capability

414. Work in the MOD in late March to address the difference between US and UK estimates of the time Iraq would need to acquire a nuclear weapon exposed the extent of the difficulties Iraq would face.

¹⁸⁰ Minute Straw to Prime Minister, 25 March 2002, ‘Crawford/Iraq’.

415. Following discussions in Washington, Mr Webb discussed the time Iraq would need to acquire a nuclear weapon with Admiral Sir Michael Boyce, Chief of the Defence Staff (CDS), and AM French on 20 March.¹⁸¹

416. A DIS paper, “What does Iraq need to do to get the bomb quickly?” was produced later that day.¹⁸²

417. Referring to the Assessment of 15 March, the DIS stated:

“Although there is very little intelligence, the JIC judges that Iraq is still pursuing a nuclear weapons programme. Intelligence indicates that scientists were recalled to work on a nuclear weapons programme in the autumn of 1998, but it is not known if large scale development work has yet recommenced. Procurement of dual use items over the last few years could be used in a uranium enrichment programme. But we have no definitive intelligence that such items are intended for a nuclear programme.”

418. Addressing the question “What does Iraq have now?”, the DIS stated that the Atomic Weapons Establishment (AWE) had concluded that Iraq had “made significant progress in designing a nuclear device” before 1991:

“Many aspects of a simple design had been studied, although the high explosives needed to detonate the device had not been fully developed. More sophisticated concepts were being considered to produce a smaller and lighter device, capable of missile delivery, but it is unlikely that much progress has been made ... Iraq will have retained **documents, drawings and expertise**.

“... Iraq still needed to complete aspects of its design and, in particular, to validate the high explosives system. It is unlikely that much of this would have been done before IAEA inspectors left in December 1998 for fear of detection. However, if all the key scientists had been recalled ... they could have reconstituted the programme and **further developed warhead designs** since then. This would not necessarily have been detected by intelligence.

“Iraq also has some possible **platforms to deliver** a suitable nuclear device. Its Russian made jet aircraft ... could probably be adapted [to] carry a simple nuclear bomb ... Any former SCUD missiles that could be assembled could take a more sophisticated device. However, the remaining ... Al Hussein missiles would not be suitable.”

¹⁸¹ Minute CDI to Policy Director, 21 March 2002, ‘Iraq – Nuclear Weapons’.

¹⁸² Minute DIS [junior official] to DI ST, 20 March 2002, ‘What does Iraq need to do to get the bomb quickly?’

419. Addressing the question “What would Iraq need?”, the DIS stated:

“Iraq does not have the **fissile material** to make a weapon. To rebuild its uranium enrichment programme would take years and require extensive foreign procurement, which would not be possible with effective sanctions in place. To make a weapon quickly, Iraq would need Highly Enriched Uranium (HEU) from the ‘black market’ (eg stolen from Russia). It would be credible but very difficult for Iraq to do this. We have no good evidence of Iraq ever acquiring any such material.

“Iraq cannot make the crucial **neutron initiator** for the device. Iraq needs a nuclear reactor to make a key material in the original unfinished design: it has not had a[n] operable reactor since 1991. Iraq would need to develop or buy a completely new initiator system [from abroad]. Even if it acquired [a] system ... Iraq would have to develop the theory and practicalities of how to use such a component. Iraq could only do this quickly with outside expertise.

“Iraq’s goal has been to produce a missile warhead. If it had the necessary components and fissile material, Iraq could complete its former simple warhead design for **air delivery** within a year. However a **missile warhead** would require a more sophisticated design concept which would take at least two years longer. These timescales could only be shortened with outside assistance.”

420. Addressing Iraq’s ability to produce an improvised nuclear device (IND), the DIS stated that: “If Iraq could acquire reactor-grade plutonium on the ‘black market’ it could assemble a crude nuclear weapon.” That would be “large and unreliable” and have to be delivered by “unconventional means (eg a lorry)”. There was, however, “no evidence” that Iraq had sought such material.

421. The DIS concluded:

- “(a) Iraq does not have any nuclear weapons.
- (b) Iraq has much of the design technology for a simple nuclear weapon.
- (c) It cannot make the fissile material or a neutron initiator for a weapon.
- (d) To make a nuclear weapon quickly, Iraq would have to acquire fissile material and a weaponised neutron initiator system, together with foreign expert assistance.
- (e) If Iraq could acquire sufficient low-grade plutonium from power reactor fuel it could make a crude IND, but would need to use risky unconventional delivery means.”

422. AM French commented that the views Mr Webb had heard in the Pentagon were “not held unanimously in Washington”, and the DIS analysis was supported by their “US counterparts”:

“If you take a ‘best case’ scientific and technical approach to this issue, rather than using intelligence, then we judge that Iraq could probably complete its former simple warhead design for air delivery within about a year.”¹⁸³

423. On 22 March, Mr Webb asked Dr Paul Roper, Director Strategic Technology, for:

“... a second opinion, in particular on how quickly and under what circumstances Iraq might acquire a deployable nuclear capability. There is a range of opinions on this, even within the US Administration.”¹⁸⁴

424. Mr Webb asked for a response by 8 April.

425. Dr Roper responded that he agreed with the advice in the DIS paper, which was “a ‘best guess’ broad based scientific judgement” in circumstances where hard intelligence was “a little thin on the ground”. He added that it was “very important to distinguish” between those two cases.¹⁸⁵

426. Dr Roper wrote that it was:

“... hard to believe that Iraq had covertly established a domestic source [of fissile material] given the relatively large signatures of the necessary facilities and it would almost certainly take a few years from start up to acquire enough material.”

427. Dr Roper’s view was that the likelihood of Iraq acquiring fissile material from abroad was “low”, but that was “purely an intelligence matter” not a scientific judgement.

428. Dr Roper set out other components that would be required for a nuclear weapon or device, concluding that even if “against all the odds” Iraq acquired those components from a third party: “The nuclear component would have to be fabricated and integrated with the explosives system and the firing electronics and incorporated in a bomb case.” That would “take some time and the one year ‘guesstimate’ is reasonable”.

429. Dr Roper pointed out that work could be carried out in advance of the acquisition of fissile material. In that case “it might take only a few weeks to complete assembly” once fissile material was obtained. Whether such activity would be detected was an “intelligence judgement”.

¹⁸³ Minute CDI to Policy Director, 21 March 2002, ‘Iraq – Nuclear Weapons’.

¹⁸⁴ Minute PS/Policy Director to D Strat Tech, 22 March 2002, ‘Iraq – Nuclear Weapons’.

¹⁸⁵ Minute Roper to Policy Director, 27 March 2002, ‘Iraq – Nuclear Weapons’.

430. Dr Roper concluded:

“A more advanced design suitable for deployment on a missile would almost certainly involve more development work and explosive trials. I have no feel for timescale but 2-3 years is a good guess. Again most of this work can be done in advance of acquiring the fissile material.”

431. Mr Webb told the Inquiry that there was a “pretty sharp contrast” between the US and UK assessments of the time required by Iraq to obtain a nuclear weapon.¹⁸⁶ Mr Doug Feith, US Under Secretary of Defense for Policy, had told him that the US view was: “We think they can get to a nuclear device within a few months.” That had prompted him to ask the DIS for advice.

432. Mr Webb added that, in relation to essential components for a nuclear device, he was aware that the AQ Khan network had placed Pakistani nuclear technology into the hands of a number of states:

“I knew that AQ Khan had been providing designs to North Korea, to Libya. I suppose I would probably have assumed that if he could do a design, why wouldn’t he be prepared to hand over a [key nuclear component] if he had one?”¹⁸⁷

433. Mr Webb told the Inquiry that his focus “was all about timescales”. In the light of the advice that one year would be required to produce “a real nuclear weapon, as distinct from a dirty bomb, and two to three years for a nuclear missile”, he had informed Mr Feith, “I think you are overdoing this, but at a year-ish we are in the same sort of zone”.

434. In his discussions with President Bush, Mr Blair identified the need for a public relations strategy which highlighted the risks posed by Iraq’s WMD programme.

435. Mr Blair’s meetings with President Bush at Crawford, Texas on 5 to 6 April, and his speech at College Station on 7 April arguing for an internationalist approach to dealing with Iraq, and the dangers of not doing so, are addressed in Section 3.2.

436. In the discussions with President Bush about a strategy of taking the issue of Iraq back to the UN, Mr Blair identified the need for a public relations strategy that highlighted both the risks of Saddam Hussein’s WMD programme and his “appalling” human rights record, and the importance of managing European public opinion and helping to construct an international coalition.¹⁸⁸

437. Mr Blair said he would emphasise that Saddam Hussein was being given an opportunity to co-operate. If “as he expected” Saddam failed to do so, it would be “very

¹⁸⁶ Private hearing, 23 June 2010, pages 51-52.

¹⁸⁷ Private hearing, 23 June 2010, page 54.

¹⁸⁸ Letter Manning to McDonald, 8 April 2002, ‘Prime Minister’s Visit to the United States: 5-7 April’.

much harder to resist the logic that we must take action to deal with an evil regime that threatened us with its WMD programme”.

438. Mr Blair also considered that the US and UK would still face the question of why they had decided to act now; “what had changed?”

439. In the joint press conference on 6 April, Mr Blair stated that the threat of WMD was real and had to be dealt with.

440. Mr Blair said he and President Bush had agreed that “the issue of weapons of mass destruction cannot be ducked, it is a threat, it is a danger to our world and we must heed that threat and act to prevent it being realised”.¹⁸⁹

441. Subsequently Mr Blair stated:

“There is a reason why United Nations resolutions were passed ... calling upon him [Saddam Hussein] to stop developing weapons of mass destruction ... and that is we know he has been developing the weapons.

“We know that those weapons constitute a threat ...”

442. As part of his advice to Mr Blair on a statement to Parliament about the discussions with President Bush, Mr Straw wrote that Mr Blair could say that the document on Iraq would be produced “shortly”.¹⁹⁰ In Mr Straw’s view the UK could “certainly get something out pretty quickly”.

443. In his statement to the House of Commons on 10 April, Mr Blair said only that Saddam Hussein was “developing weapons of mass destruction”, was “a threat to his own people and the region”, and that if he was “allowed to develop these weapons” that would be a threat to the UK.¹⁹¹

444. In his response to a question from Mr Tam Dalyell (Labour), Mr Blair said there was “no doubt” that Saddam Hussein was:

“... still trying to acquire nuclear capability and ballistic missile capability. Furthermore, although we do not know what has happened, we suspect that the piles of chemical and biological weapons remain.”¹⁹²

445. Asked by Mr Llew Smith (Labour) on 16 April why he had not published the dossier on the status of Iraq’s weapons programmes, Mr Blair replied:

“We have already placed some evidence concerning Iraq’s programmes in the Library of the House. When the time is right, we shall release further material, including the threat posed by the development of weapons of mass destruction.

¹⁸⁹ The White House, 6 April 2002, *President Bush, Prime Minister Blair Hold Press Conference*.

¹⁹⁰ Minute Straw to Prime Minister, 9 April 2002, ‘Your Commons Statement’.

¹⁹¹ House of Commons, *Official Report*, 10 April 2002, columns 22-24.

¹⁹² House of Commons, *Official Report*, 10 April 2002, columns 31-32.

The Government believes it important that we should divulge as much information to the public as we can without prejudicing sensitive sources, including intelligence reporting. It has been the practice of successive governments not to comment on intelligence matters.”¹⁹³

446. In an interview with Mr David Frost on *BBC Television’s Breakfast with Frost* on 21 April, primarily about the Budget, Mr Blair was asked about the imminence of military action against Iraq (see Section 3.3).¹⁹⁴

447. In response to a suggestion that the dossier on Iraq had been stopped because it was out of date because there hadn’t been any decent intelligence for two or three years or because it was insufficient to convince critics within the Labour Party, Mr Blair replied:

“... it wasn’t pulled ... we will publish it at the appropriate time and when that’s going to be I simply don’t know ... The evidence of Saddam Hussein on weapons of mass destruction is vast.

“... [W]hat we also know from our experience of September 11 that it’s sensible to try to deal with these threats before they become fully operational rather than after.”

Development of the Iraq dossier, April to July 2002

Revision of the estimates of unaccounted for Iraqi material

448. Revised estimates of material which UNSCOM had been unable to account for when it left Iraq in December 1998 were published on 2 May.

449. Mr Straw was advised that the figures were an extrapolation based on UNSCOM data, but it was “inherently difficult to arrive at precise figures”.

450. Mr Ricketts asked Mr Dowse on 22 March to “take forward work with the Assessments Staff” on the new figures provided by the DIS for “Iraqi stocks of CW precursors and munitions” which should, “if possible”, be the same as those being used by the US.¹⁹⁵ Ministers would then need to be advised:

“... how best to get them into the public domain before any comprehensive paper is published: probably by inspired PQ as soon as Parliament re-assembles, making clear that these are revised estimates.”

451. Mr Dowse wrote to Mr Miller on 25 March “to sort out how we manage the DIS’ new calculations of unaccounted-for Iraqi CW precursors and munitions”.¹⁹⁶

¹⁹³ House of Commons, *Official Report*, 16 April 2002, columns 861-862W.

¹⁹⁴ *BBC News*, 21 April 2002, *BBC Breakfast with Frost Interview: Prime Minister Tony Blair*.

¹⁹⁵ Minute Ricketts to Patey, 22 March 2002, ‘Iraq: Preparing Material for Public Release’.

¹⁹⁶ Letter Dowse to Miller, 25 March 2002, ‘Iraq: Material for Public Release’.

452. Mr Dowse added:

“Clearly, the first step is to resolve with the DIS just how robust are their new figures. If they carry no more confidence than the previous ones, which we have been using in public for several years, I see no reason to change our lines ...

“Thereafter, if it appears we do have to change our public line, I wonder if we might finesse the presentational difficulty by changing the terms? Instead of talking about tonnes of precursor chemicals (which don’t mean much to the man in the street anyway), could we focus on munitions and refer to ‘precursor chemicals sufficient to produce x thousand SCUD warheads/aerial bombs/122mm rockets filled with mustard gas/the deadly nerve agents tabun/sarin/VX’? Presumably we know from UNSCOM what types of munitions the Iraqis had prepared or were working on at the time of the Gulf War.”

453. Mr Dowse concluded:

“I realise that this would not in the end hoodwink a real expert, who would be able to reverse the calculation and work out that our assessment precursor quantities had fallen. But the task would not be straightforward, and would be impossible for a layman. And the result would, I think, have more impact on the target audience for [an] unclassified paper.”

454. Mr Scarlett sent Sir David Manning a revised draft of the paper on WMD on 4 April.¹⁹⁷ That “differed slightly” from the version provided the previous week, because figures for CW material for which UN inspectors had been unable to account had been included. Those were being “double-checked”.

455. The draft made clear that the UK could not be sure whether the material the inspectors could not account for had been destroyed or remained at the disposal of the Iraqi Government.

456. Before the first meeting of the inter-departmental group to discuss the paper on Iraq’s WMD prepared by the Assessments Staff, Mr McKane wrote to colleagues stating:

“The only outstanding question in relation to the WMD paper of which I am aware is a discrepancy between certain numbers quoted by Ministers in Parliament and the latest assessment generated in the preparation of the paper for publication. The issue, as I understand it, is whether it is preferable to correct the previous answers to Parliament by means of an inspired PQ or to disguise the discrepancy in the new WMD document.”¹⁹⁸

¹⁹⁷ Minute Scarlett to Manning, 4 April 2002, ‘Iraqi WMD Programmes: Proposed Public Paper’.

¹⁹⁸ Letter McKane to Tanfield, 9 April 2002, ‘Iraq’.

457. Mr McKane's meeting on 12 April agreed that:

"... in terms of public presentation, it would be desirable to stick with the chemical weapons numbers used by Ministers in Parliament. If the numbers of tonnes of declared precursor chemicals was in fact seriously out of line with latest DIS assessments and US assessments, then we would recommend use of the new numbers. Jane Hamilton-Eddy agreed to write following receipt of further input from Sebastian Wood in Washington. Thereafter [junior official] would submit advice to the Foreign Secretary in the course of next week. The numbers in the paper can then be finalised ..."¹⁹⁹

458. The FCO review of the revised DIS estimates for Iraqi holdings of precursor chemicals and special munitions which were "unaccounted for" was sent to Mr Straw on 23 April.²⁰⁰

459. Mr Straw was told that the DIS had been asked to ensure that the figures previously used in public were defensible, given that they were "based on a series of Iraqi declarations (some of which have altered over time) extrapolated from data in UNSCOM official records" and it was "inherently difficult to arrive at precise figures (a point exemplified by the fact that there is no inter-Agency agreement in Washington on a definitive set of numbers)". The DIS had "therefore produced revised estimates which it judges would be readily defensible in public".

460. The revised estimates were that:

"UNSCOM inspectors were unable to account for:

- up to 3,000 tonnes (previously 4,000) of precursor chemicals, 'approximately 300 (previously 610) tonnes of which ... were unique to the production of VX nerve agent';
- up to 360 tonnes of bulk CW agent including 1.5 tonnes of VX (new figures);
- and over 30,000 (previously 31,000) special munitions for delivery of chemical and biological agents;
- large quantities of growth media acquired for use in the production of biological weapons – enough to produce over three times the amount of anthrax Iraq admits to having manufactured."

461. Mr Straw was advised to announce the revised figures to Parliament, and incorporate them into the "JIC public lines document" on Iraqi capabilities, which the Cabinet Office would be submitting to Mr Blair "by the end of the month".

462. An alternative to such an announcement would be "to move away from precise figures and use more general terms ... on the grounds that precise figures are inherently

¹⁹⁹ Letter McKane to Tanfield, 12 April 2002, 'Iraq'.

²⁰⁰ Minute FCO [junior official] to Dowse and PS [FCO], 23 April 2002, 'Iraqi WMD: Public Dossier'.

unreliable”. The “major downside to this approach” was that the media would “seize on the more vague formulation to suggest that the Government has misled the public for the past three years in talking up the Iraqi WMD threat”.

463. To defend the new figures, the FCO suggested the answer should state:

“These figures represent our latest assessment. This assessment is subject to continual review ... The changes we have made do not alter our view on the scale of the Iraqi WMD threat. Indeed, they reinforce our judgement that Iraq’s chemical and biological capabilities are substantial and a very real danger to the region and the wider world. We shall be releasing further material about this threat in due course.”

464. In a manuscript comment on the submission to Mr Straw, Mr Dowse confirmed he had agreed the minute which would “clear the way for release of the ‘WMD dossier’ – but whether and when to do that awaits a separate decision”.²⁰¹

465. Mr McKane’s meeting on 26 April was informed that the FCO had sought Mr Straw’s views on an inspired PQ to “bring our public statements on chemical weapons numbers into line with the latest DIS estimates”.²⁰²

466. Mr Straw agreed the recommended approach but asked that the answer should explicitly draw attention to the fact that the figures had been revised, and that he was correcting the estimates in an answer he had given during oral questions on 12 March.²⁰³

467. Mr Straw also asked that press notice should be issued immediately after the answer, “so that no-one can accuse us of concealing this”.

468. The revised estimates were published in a Written Answer from Mr Straw on 2 May.²⁰⁴

The Iraq dossier

469. In April the Iraq dossier was expanded to include material on human rights and a history of weapons inspections.

470. Mr McKane told the Inquiry, “In April it was decided that we should work on a group of papers”, not “simply a document about weapons of mass destruction”.²⁰⁵ These were worked on until June “when it was decided to put them on ice”.

471. In response to a request from Mr Blair for a paper on Saddam Hussein’s record of human rights abuses, which might be published alongside the WMD paper, Mr McKane had sent Mr Rycroft the material which had been prepared by the FCO for use by

²⁰¹ Manuscript comment Dowse on Minute FCO [junior official] to Dowse and PS [FCO], 23 April 2002, ‘Iraqi WMD: Public Dossier’.

²⁰² Letter Dodd to Gray, 26 April 2002, ‘Iraq’.

²⁰³ Minute Sedwill to FCO [junior official], 30 April 2002, ‘Iraqi WMD: Public Dossier’.

²⁰⁴ House of Commons, *Official Report*, 2 May 2002, columns 929-930W.

²⁰⁵ Public hearing, 19 January 2011, page 74.

Mr Straw.²⁰⁶ Mr McKane added that he had asked for material produced around the time of Operation Desert Fox “in case” Mr Blair decided “a more comprehensive treatment of Saddam’s human rights record going back to the 1980s” was needed.

472. Mr McKane also asked the FCO to “produce an expanded version of the paper on Iraqi Human Rights abuses to cover Saddam’s record from his accession in 1979, stating that the intention was “to produce a clear picture of Saddam’s record of human rights abuses throughout his career”.²⁰⁷

473. In relation to the draft paper on Iraqi Regime Crimes and Human Rights Abuses, which also drew on intelligence, the FCO would revise the paper, “including boxes to highlight particularly vivid and detailed pieces which illustrated the nature of the regime”.²⁰⁸

474. Junior officials in the FCO questioned whether the draft WMD paper would be sufficient to underpin an argument that WMD posed such a threat that action should be taken to deliver Iraq’s disarmament and offered suggestions to improve its impact.

475. Mr Mark Matthews, a junior official in the FCO News Department, was critical of the style of the draft WMD paper and:

“... the repeated efforts of the authors to emphasise what they do not know as well as what they know. In some cases this is necessary for the sake of accuracy. In others it is unnecessary and unhelpful.”²⁰⁹

476. After offering detailed comments, Mr Matthews added:

“It is important that, where unnecessary and unhelpful, these expressions of the authors’ uncertainty are removed. Otherwise we risk undermining further a paper which already looks a little thinner than earlier versions of evidence of Iraqi wrongdoing.”

477. Mr Matthews also provided a “revised version of the general briefing paper”, including a draft Introduction by the Foreign Secretary. The document shows that the briefing paper would set out the wider context of policy on Iraq and would be issued by the FCO. The detailed papers on Iraq’s WMD and Saddam’s human rights abuses being prepared under the auspices of the inter-departmental group would be published as Annexes to that paper.

²⁰⁶ Minute McKane to Rycroft, 27 March 2002, ‘Saddam’s Record of Human Rights Abuses’.

²⁰⁷ Letter McKane to Tanfield, 9 April 2002, ‘Iraq’.

²⁰⁸ Letter McKane to Tanfield, 12 April 2002, ‘Iraq’.

²⁰⁹ Email Matthews to Tanfield, 15 April 2002, ‘Iraq Dossier’ attaching Paper FCO, [undated], ‘British Government Briefing Paper on Iraq’.

478. The points in the draft Introduction included:

- Iraq continued to claim that it had “no chemical, biological or nuclear weapons. We are therefore taking the important step of publishing further information from Government intelligence reports about Iraq’s weapons. This shows there is no doubt that Iraq has dangerous chemical, biological and nuclear weapons programmes.”
- The concern was “heightened” by Saddam Hussein’s previous use of “these horrific weapons”. That made him, and the threat he posed, “unique”.
- Saddam Hussein would “use these weapons again in pursuit of his aim of regional domination and against the West if he thinks he can get away with it”.
- “Doing nothing about this threat” was “not an option”.
- That was why the Government was “devoting immense diplomatic energy to pressing Iraq to comply with UN resolutions to destroy its weapons”, including giving “UN weapons inspectors full and unfettered access”.
- The Government was “serious about wanting to resolve this issue through compliance with UN resolutions ...”

479. The key points identified in the FCO briefing paper included statements that:

- The Iraqi regime was “a demonstrable threat to the stability of the region as a result of its continued development of weapons of mass destruction”.
- The onus of complying with UN resolutions was on Saddam Hussein: “If Iraq poses no threat, why does he continue to refuse access to UN inspectors?”

480. Sending the email and FCO briefing paper to Mr McKane, Dr Tanfield wrote:

“I would like you to see this now because I am not convinced that NPD [Non-Proliferation Department] is giving DIS/AS [Assessments Staff] a sufficiently hard time even after all the problems we have already had. May be necessary to bang heads together at next meeting!”²¹⁰

481. An Assessment of regional attitudes towards Iraq and an evaluation of “the regional reactions so far to the prospects of a US-led attack on Iraq”, produced at the request of the JIC, was issued on 19 April (see Section 3.3).²¹¹

482. The Assessment did not examine Iraq’s WMD capabilities but, in a concluding paragraph entitled “**Making the case**”, it stated:

“For governments expected to support a US-led attack, the justification and evidence will be crucial in managing their public presentation. Given that we judge Iraq had no responsibility for, or foreknowledge of, the 11 September terrorist attacks, Iraq’s neighbours are likely to demand stronger proof of Iraq’s development

²¹⁰ Email Tanfield to McKane, 15 April 2002, ‘Iraq Dossier’.

²¹¹ JIC Assessment, 19 April 2002, ‘Iraq: Regional Attitudes’.

of WMD (even though many of them are ambivalent on the issue); using Saddam's brutal and repressive regime alone in justification would not attract much support ..."

483. Following a meeting chaired by Mr Campbell, it was agreed that the Iraq dossier should include a history of weapons inspections and an explanation of the sanctions regime.

484. Reflecting the decision recorded in Mr Rycroft's manuscript note of 25 March, that he would "retain the lead role on the timing/form of the release" of the document on Iraq, Mr Campbell held a meeting on 23 April.

485. The meeting agreed that the Government:

"should aim to release ...:

- the dossier on WMD: JIC will continue their work;
- a readable history of weapons inspections: FCO will compile;
- an explanatory note on sanctions to get across the message that our fight is not with the Iraqi people: FCO will prepare;
- a note detailing the Iraqi regime's human rights abuses: FCO will look again at the material it has prepared for release with the WMD dossier."²¹²

486. The documents should be released "as a prelude to a further push on getting the UN weapons inspectors back into Iraq". That could be done through a statement by Mr Straw linked to the UN Security Council's agreement to the Goods Review List (GRL) (see Section 3.3). An alternative might be publication when the GRL entered into force at the end of May.

487. Mr Straw considered that publication of the dossier on WMD should be separate from action in the UN on the revised Goods Review List.

488. Mr Ben Bradshaw, FCO Parliamentary Under Secretary of State, told the FAC on 23 April:

"We will put more evidence in the public domain and we will publish in whatever form we think is most effective ... When we feel the time is right."²¹³

489. The FCO official who attended Mr Campbell's meeting advised Mr Straw that it would be better to separate the publication of the Iraq dossier and the discussion of the GRL/Oil-for-Food (OFF) resolution in the UN for a number of reasons; and proposed a number of briefing exercises instead.²¹⁴

²¹² Minute Pruce to Campbell, 23 April 2002, 'Iraq'.

²¹³ Seventh Report from Foreign Affairs Committee, Session 2001-2002, *Foreign Policy Aspects of the War against Terrorism*, HC 384, Qs 293-294.

²¹⁴ Minute FCO [junior official] to Gray, Chaplin and PS [FCO], 24 April 2002, 'Iraq: Adoption of the Goods Review List and Media Handling'.

490. Mr Charles Gray, Head of Middle East Department, and Mr Edward Chaplin, Director Middle East and North Africa, agreed.

491. A letter from Mr Straw's Private Office to Mr Campbell on 25 April recorded Mr Straw's understanding that Mr Campbell's meeting had:

"... agreed that the launch of the Iraq dossier must not convey a misleading impression of imminent military action, and therefore decided that new material should be added to cover the record of inspections, humanitarian issues and the GRL."²¹⁵

492. The letter set out the FCO preference for separating publication of the dossier from activity on a GRL, including that:

- "The WMD dossier would eclipse the humanitarian message of the GRL/OFF resolution."
- The "Arab world" was "particularly unreceptive at present".
- The "best bet" might be for publication to coincide "with a renewed effort to get weapons inspections readmitted".
- The release of the dossier should be co-ordinated with the US and briefing "governments, notably in the Arab world, in greater detail than is possible in a public document".

493. Mr McKane continued to co-ordinate work to refine the Iraq paper.

494. Mr McKane held a further meeting to discuss progress on the draft public documents on Iraq on 26 April.²¹⁶

495. The meeting was informed that the WMD paper was "ready, although as a living document" it would need "a few days notice to prepare before issue". The FCO would finish the paper on weapons inspections by 2 May and it was finishing the paper on human rights abuses. The documents would "need to be cleared with Washington".

496. The FCO and CIC were preparing "Q and A" material and Mr McKane would "check with No.10 on the desirable extent of ministerial involvement in launching the package".

497. Mr McKane sent the draft papers 'Iraqi WMD Programmes' and 'Iraqi Regime Crimes and Human Rights Abuses' to Sir David Manning on 26 April, reporting that:

- The "WMD paper is in a finished condition, though John Scarlett continues to keep it under review".

²¹⁵ Letter Sedwill to Campbell, 25 April 2002, 'Iraq: Adoption of the Goods Review List'.

²¹⁶ Letter Dodd to Gray, 26 April 2002, 'Iraq'.

- “The Humanitarian Abuses paper needs some further work, principally to insert boxes and photographs ...”²¹⁷

498. Mr McKane stated that the papers would need to be shown to the US Administration “at some point”, and asked for Sir David’s views on the timing for that. He also asked for Mr Blair’s views on whether they “should be launched under the name of the Foreign Secretary or a group of Ministers, who might include the Prime Minister, the Defence Secretary and the International Development Secretary (or any combination)” before DFID was consulted.

499. There were only three material changes to the previous draft:

- References to UNSCOM being unable to account for all imported missiles and that Iraq could have built more missiles using components it had retained and hidden were added as “evidence” to the summary of Iraq’s ballistic missile capability.
- The Human Rights Watch estimate of casualties from Saddam Hussein’s attack on Kurds in Northern Iraq in 1988 was added to the text.
- The revised estimates of chemical agent and precursor chemicals produced by the DIS replaced broad brush figures.

500. A further Cabinet Office meeting was held on 21 May, to discuss progress on the draft FCO documents on weapons inspections and human rights abuses, which were to be finalised for discussion, with the WMD paper, on 29 May.²¹⁸ Officials were generally content with the drafts, subject to a number of detailed, mainly presentational, amendments.

501. Mr Patrick Lamb, a member of the FCO Non-Proliferation Department, sent the Cabinet Office “a copy of the latest version of the Inspections Paper” on 27 May.²¹⁹

502. Mr McKane sent the three draft papers, which he described as “virtually in final form, although the CIC is still making presentational changes”, to the MOD, the FCO and the Department for Trade and Industry (DTI) on 30 May.²²⁰

503. Mr McKane added that he envisaged submitting the drafts to No.10 in the second half of June.

²¹⁷ Minute McKane to Manning, 26 April 2002, ‘Iraq’.

²¹⁸ Minute Dodd to Lamb, 22 May 2002, ‘Iraq’.

²¹⁹ Letter Lamb to Dodd, 27 May 2002, ‘Iraq Inspections Paper’.

²²⁰ Letter McKane to Bowen, 30 May 2002, ‘Iraq: Public Documents’ attaching Papers, [undated], ‘Iraqi WMD Programmes’; ‘Iraqi Regime Crimes and Human Rights Abuses’; ‘UN Weapons Inspections in Iraq’.

504. The paper on Iraq's WMD programmes was very little changed from the version of 26 April. The key changes were:

- The insertion of a reference to a judgement that Iraq's nuclear programme "is based on gas centrifuge uranium enrichment, which was the route Iraq was following for producing fissile material before the Gulf War", as context for text on Iraq's attempts to acquire technology and material with nuclear applications, including specialised aluminium.
- The addition of the words "in their chemical and biological weapons programmes" to a statement that Iraq was using transportable laboratories for concealment.
- Adding to the conclusion that Iraq had a chemical weapons capability, the words "and has used it. It also has a biological weapons capability."

505. The paper on UN inspections and the key changes between the initial draft and the version of 20 June are described in the Box, 'Weapons Inspections in Iraq', later in this Section.

506. A "consolidated draft" of the papers on Iraq, produced by the CIC on 3 June, was circulated by the Cabinet Office on 6 June.²²¹

507. The CIC had produced a revised draft of a Foreword for the document. That identified Saddam Hussein as personally responsible for Iraq's WMD programmes and defying the Security Council resolutions. It amended the previous text, which stated that the papers showed "there was no doubt that Iraq has chemical, biological and nuclear programmes", to a statement that they showed "Saddam Hussein has dangerous chemical, biological weapons and is nearing completion of nuclear weapons".

508. The draft Foreword also changed the statement about the UK's diplomatic efforts to resolve the issue through compliance with UN resolutions to one which stated:

"The world is urging Saddam Hussein to comply ... giving UN weapons inspectors ... access to Iraq – **any time, any place, any where**.

"No decision has been taken to launch military action. It is up to Saddam Hussein to show the world that he is serious about fulfilling Iraq's ... obligations."

509. The CIC had reformatted and reordered the text of the Summary and draft paper 'Iraqi WMD Programmes', including addressing Iraq's nuclear capabilities first, before its chemical and biological weapons and ballistic missiles. The substance was, however, largely unchanged.

510. The CIC added summaries for the papers on the 'History of UN Weapons Inspections' and the 'Iraqi Regime's Crimes and Human Rights Abuses'. There were a

²²¹ Minute Dodd to [unattributed], 6 June 2002, 'British Government Bri[e]fing Paper on Iraq' attaching Paper FCO, 3 June 2002, 'British Government Briefing Paper on Iraq'.

number of minor changes to the former, the most important of which was to correct a statement that Iraq had, in 1991, been “within 1-2 years” of acquiring a nuclear weapon. Consistent with the paper on Iraqi WMD programmes, that was replaced by the words “within less than three years”.

511. A detailed list of occasions on which UN inspectors had been harassed or denied access to sites was removed.

512. Mr McKane told the Inquiry that the role of the CIC was “to sharpen up the product ... to make the language clearer, to make it language that would be more readily understood by the public”.²²²

513. Mr Miller reported to Mr McKane on 7 June that there was “no serious difference of analysis or interpretation” between the US and UK on WMD.²²³ He also reported that work had been commissioned on a US paper for publication on Iraqi WMD.

514. The paper on Iraq produced for the Chiefs of Staff “Strategic Think Tank” on 18 June, stated:

“Although Iraq’s nuclear capability (essentially a ‘dirty’ bomb) cannot be dismissed, the main threat, at the moment, is from CB weapons.”²²⁴

515. In a minute to Mr Miller on 17 June, a junior official in the Assessments Staff confirmed that the CIC had attempted “to reformat the Iraqi WMD section of the Government briefing paper to match other sections”, but “Apart from removing the word ‘evidence’ from the summary, they have not altered the text”.²²⁵

516. The draft Iraq dossier was sent to Sir David Manning on 21 June, with advice that Ministerial guidance would be needed on the content of the paper and the timing of publication.

517. Following a meeting on 19 June, Mr McKane sent the latest versions of the three “Iraq public documents” and a draft Foreword to Sir David Manning, stating that Ministerial guidance was needed on:

- “Whether Ministers are content with the texts ...”
- “Whether to invite the International Development Secretary to sign the Foreword alongside the Foreign and Defence Secretaries.”
- “Timing of publication.”
- “Whether to treat three Iraqi public documents as a package or separate out the Iraq WMD paper.”

²²² Public hearing, 19 January 2011, page 76.

²²³ Minute Miller to McKane, 7 June 2002, ‘Iraq WMD: Public Documents’.

²²⁴ Minute MA1/DCDS(C) to PSO/CDS and others, 13 June 2002, ‘Supporting Paper for COS Strategic Think Tank on Iraq – 18 Jun’ attaching Paper.

²²⁵ Minute Assessments Staff [junior official] to Miller, 17 June 2002, ‘Releasable Dossiers on WMD’.

- **“Whether in the meantime to publish the wider WMD Programme[s] of Concern paper.”²²⁶**

518. Mr McKane wrote that the drafts took account of comments from the CIA but had not been passed to other parts of the US Government. He also pointed out that the drafts had not, at that stage, been “shared with DFID”.

519. The inter-departmental group advised:

“... that the drafts should now be held in readiness for an appropriate moment to issue them. Choosing that moment requires careful judgement. The publication of the documents will be regarded by some as an indication that the Government has moved closer to decisions on military action. On the other hand, as part of the carefully co-ordinated exercise, they could serve to increase the pressure on Saddam Hussein.”

520. Mr McKane reported that Mr Scarlett’s “strong preference” was to:

“... keep the WMD paper separate in order to preserve its status as a considered assessment of what the intelligence says about Iraq’s existing WMD capabilities – in contrast with the other two papers which are based on a mixture of historical material, intelligence and reportage. Most of my group felt that this point was out-weighted by the advantages of presenting the three papers as a single package, in particular because of the close relationship between the WMD and the Weapons Inspection papers.”

521. Mr McKane also provided a copy of the separate draft paper addressing wider WMD programmes of concern, stating that:

“The Foreign Office, in particular, have advised that this paper should not be published at the same time as the Iraq dossier, because of awkward comparisons which might be drawn between the threat posed by other countries of concern and that posed by Iraq. More generally, the FCO have concerns about the quality of the ‘evidence’ ...”

522. Mr McKane concluded:

“Despite the case for shining a spotlight on all states of WMD concern, the balance of the arguments points towards delaying, at least until we are clearer about the way forward on Iraq.”

523. The draft papers sent to Sir David Manning were largely identical to those produced by the CIC on 3 June. The key changes to the WMD paper were:

²²⁶ Minute McKane to Manning, 21 June 2002, ‘Iraq: Public Documents’.

- The text on nuclear weapons in the draft Foreword was amended to state the papers showed only that Saddam Hussein was “still seeking to acquire nuclear weapons”.
- References to Iraq’s ability to produce ricin and its effect were added to the section on biological agents in the paper on Iraq’s WMD programmes.

524. The key points in the paper on UN inspections, which drew on published and intelligence sources, including reports by UN personnel and non-Government sources, are set out in the Box below.

‘UN Weapons Inspections in Iraq’

The draft FCO paper on weapons inspections stated:

“The history of UN weapons inspections in Iraq has been characterised by persistent Iraqi efforts to frustrate, deceive and intimidate inspectors. Despite the conduct of the Iraqi authorities towards them, both UNSCOM and the IAEA ... have valuable records of achievement ...

“By the end of 1998 there nevertheless remained significant uncertainties about the disposition of Iraq’s prohibited WMD programmes. A series of confrontations and the systematic refusal by Iraq to co-operate, left UNSCOM unable to perform its mandate and the inspectors withdrew ...”

Since December 1998, Iraq had:

“... refused absolutely to comply with its UN ... obligations and allow access to weapons inspectors. We judge that Iraq has used the intervening ... period to rebuild significant aspects of its chemical, biological, nuclear and ballistic missile programmes.”

That was “a direct challenge to the authority of the UN”. In addition, Iraq’s actions breached its commitments under:

- the Biological and Toxin Weapons Convention – which bans the development, production, stockpiling, acquisition or retention of biological weapons; and
- the Nuclear Non-Proliferation Treaty – which prohibits Iraq from manufacturing or otherwise acquiring nuclear weapons.”

The paper described the setting up of two inspection teams in accordance with the provisions of resolution 687 (1991) and set out an account of Iraq’s concealment of its activities together with a list of “infamous examples” of Iraq’s harassment of the inspectors.

The 20 June version of the paper acknowledged that special access to Presidential sites had been negotiated in 1998. A statement in the initial draft that the sites housed units “which had in the past been associated with concealing Iraq’s WMD programme” was replaced by a statement that they were “an integral part of Iraqi counter-measures expressly designed to hide weapons material”.

The initial reference to Iraq having “admitted... a large, effective, system for hiding proscribed material” was replaced by a reference to Iraq’s acknowledgement that it had set up a unit in April 1991 to “conceal vital aspects of its proscribed programmes”.

The paper set out in considerable detail Iraq's "blatant" obstruction of UN inspectors in relation to its biological weapons programme. Iraq did not acknowledge that biological agents had been produced "on an industrial scale" until July 1995. It also "admitted producing in excess of 200 biological weapons with a reserve of agent to fill considerably more". Subsequent disclosures in relation to the programme were "technically inadequate" and Iraq had refused to elaborate on the details.

The paper also set out the inspectors' achievements in dismantling and destroying Iraq's proscribed weapons systems, but "a series of significant unresolved disarmament issues remained".

The paper stated the UK believed "that Iraq has pressed ahead with its WMD programmes" since 1998; and that the heads of UNSCOM and the IAEA had "declared that in the absence of inspections", it was "impossible to verify Iraq's compliance with its ... obligations".

The paper concluded:

"In the interests of regional and global security, the international community cannot allow this stand off to continue indefinitely."

525. In a report published on 20 June, the FAC recommended that the UK Government should follow the precedent it had set in relation to Afghanistan, in October 2001, and:

"... publish the fullest possible documentation on the need for further military action, before any such action is seriously contemplated. While nothing should be published which might compromise sources or methods of intelligence, the Government must try to secure the widest possible support in Parliament and among the British people if it is proposing to risk the lives of British servicemen and women as part of a further phase of the war against terrorism."²²⁷

526. In mid-July, No.10 officials decided that publication should be put on hold for the time being.

527. During questions on Iraq from the Liaison Committee on 16 July (see Section 3.3), Mr Blair replied that "as far as he was aware there was no evidence linking Saddam Hussein to the actual attack on 11 September"; and that there were "various rough linkages" to Al Qaida; but the issue (on Iraq) was "weapons of mass destruction. It is not what happened on 11 September or the Al Qaida terrorist network."²²⁸

528. Asked what had changed since President Bush took office, Mr Blair replied:

"... First ... it is clear that Saddam Hussein is still trying to develop weapons of mass destruction. Secondly ... weapons inspectors where he is still refusing to

²²⁷ Seventh Report from Foreign Affairs Committee, Session 2001-2002, *Foreign Policy Aspects of the War against Terrorism*, HC 384, paragraph 233.

²²⁸ Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Qs 97-98.

abide by the UN resolutions ... as more negotiations go on and he fails to comply and you know that he is developing these weapons of mass destruction, then over a period of time you are entitled to draw the conclusion that this threat is growing not diminishing ... there is a threat ... The options are open but we do have to deal with it ...”²²⁹

529. Mr Blair also told Mr Anderson that there would be documentation setting out the nature of the WMD threat and that:

“The only reason we have not published some of this documentation before is that you have got to choose your time ... otherwise you send something rocketing up the agenda when it is not necessarily there. Certainly if we do move into a new phase, yes, of course, we will publish.”²³⁰

530. Sir David Manning discussed Mr McKane’s minute of 21 June with him and Mr Powell and Mr Campbell on 16 July.²³¹ They agreed:

“... now was not the time to publish any of the three Iraq public documents or the wider WMD programmes of concern paper. We should, however, be ready to move quickly in the light of changing circumstances.”

531. It was also agreed that the draft would not be shown to the US until closer to the date of publication and that:

“We should keep an open mind on whether to publish the Iraq WMD paper separately from the other two Iraqi papers. We should aim for a Foreword signed by either the Foreign and Defence Secretaries, or possibly the Prime Minister.”

532. Mr McKane told the Inquiry that he had “had an exchange with Sir David Manning in which we agreed that we should keep it ready ... to dust it off and use it at short notice, if necessary”.²³²

533. In his diaries Mr Campbell wrote that Mr Blair had:

“... raised the temperature another gear by making clear publicly we intended to do something and also saying that Saddam had to be dealt with. We agreed not to go for it yet, because it would look like we were going to war if we did, TB having made it pretty clear that it would be the start of another phase.”²³³

²²⁹ Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Qs 99-100.

²³⁰ Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Qs 87-88.

²³¹ Minute Manning to McKane, 16 July 2002, ‘Iraq: Public Documents’.

²³² Public hearing, 19 January 2011, page 77.

²³³ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

534. In his press conference on 25 July, Mr Blair was asked a number of questions about the policy on Iraq (see Section 3.3).²³⁴ Asked why the promised dossier laying out the evidence against Saddam Hussein had not appeared, Mr Blair stated that it would be published when he judged it to be the right moment.

Conclusions

535. The ingrained belief that Saddam Hussein's regime retained chemical and biological warfare capabilities, was determined to preserve and if possible enhance its capabilities, including at some point in the future a nuclear capability, and was pursuing an active policy of deception and concealment, had underpinned UK policy towards Iraq since the Gulf Conflict ended in 1991.

536. While the detail of individual JIC Assessments on Iraq varied, this core construct remained in place.

537. Security Council resolutions adopted since 1991, demanded Iraq's disarmament and the re-admission of inspectors, and imposed sanctions in the absence of Iraqi compliance with those – and other – obligations. Agreement to those resolutions indicated that doubts about whether Iraq had disarmed were widely shared.

538. In parallel, by 2000, the wider risk of proliferation was regarded as a major threat. There was heightened concern about:

- the danger of proliferation, particularly that countries of concern might obtain nuclear weapons and ballistic missiles; and
- the potential risk that terrorist groups which were willing to use them might gain access to chemical and biological agents and, possibly, nuclear material, and the means to deliver them.

539. These concerns were reinforced after 9/11.

540. The view conveyed in JIC Assessments between December 2000 and March 2002 was that, despite the considerable achievements of UNSCOM and the IAEA between 1991 and December 1998, including dismantling Iraq's nuclear programme, the inspectors had been unable to account for some of the ballistic missiles and chemical and biological weapons and material produced by Iraq; and that it had:

- not totally destroyed all its stockpile of chemical and biological weapons;
- retained up to 360 tonnes of chemical agents and precursor chemicals and growth media which would allow it to produce more chemical and biological agents;

²³⁴ The National Archives, *Prime Minister's Press Conference, 25 July 2002*.

- hidden a small number of long-range Al Hussein ballistic missiles; and
- retained the knowledge, documentation and personnel which would allow it to reconstitute its chemical, biological, nuclear and ballistic missile programmes.

541. The JIC also judged that, since the departure of the weapons inspectors, Iraq:

- was actively pursuing programmes to extend the range of its existing short-range ballistic missiles beyond the permitted range of 150km;
- had begun development of a ballistic missile with a range greater than 1,000km;
- was capable of resuming undetected production of “significant quantities” of chemical and biological agents, and in the case of VX might have already done so; and
- was pursuing activities that could be linked to a nuclear programme.

542. Iraq’s chemical, biological and ballistic missile programmes were seen as a threat to international peace and security in the Middle East region, but Iraq was viewed as a less serious proliferation threat than other key countries of concern – Iran, Libya and North Korea – which had current nuclear programmes. Iraq’s nuclear facilities had been dismantled by the weapons inspectors. The JIC judged that Iraq would be unable to obtain a nuclear weapon while sanctions remained effective.

543. The JIC continued to judge that co-operation between Iraq and Al Qaida was “unlikely”, and that there was no “credible evidence of Iraqi transfers of WMD-related technology and expertise to terrorist groups”.

544. In mid-February 2002, in preparation for Mr Blair’s planned meeting with President Bush in early April 2002, No.10 commissioned the preparation of a paper to inform the public about the dangers of nuclear proliferation and WMD more generally in four key countries of concern, North Korea, Iran, Libya and Iraq.

545. When the preparation of this document became public knowledge, it was perceived to be intended to underpin a decision on military action against Iraq. The content and timing became a sensitive issue.

546. Reflecting the UK position that action was needed to disarm Iraq, Mr Blair and Mr Straw began, from late February 2002, publicly to argue that Iraq was a threat which had to be dealt with; that Iraq needed to disarm or be disarmed in accordance with the obligations imposed by the UN; and that it was important to agree to the return of UN inspectors to Iraq.

547. The focus on Iraq was not the result of a step change in Iraq’s capabilities or intentions.

548. When he saw the draft paper on WMD countries of concern on 8 March, Mr Straw commented:

“Good, but should not Iraq be first and also have more text? The paper has to show why there is an exceptional threat from Iraq. It does not quite do this yet.”²³⁵

549. On 18 March, Mr Straw decided that a paper on Iraq should be issued before one addressing other countries of concern.

550. On 22 March, Mr Straw was advised that the evidence would not convince public opinion that there was an imminent threat from Iraq.

551. Publication was postponed. No.10 decided that the Cabinet Office Overseas and Defence Secretariat should co-ordinate the production of a “public dossier” on Iraq, and that Mr Alastair Campbell, Mr Blair’s Director of Communications and Strategy, should “retain the lead role on the timing/form of its release”.

552. The statements prepared for, and used by, the UK Government in public, from late 2001 onwards, about Iraq’s proscribed activities and the potential threat they posed were understandably written in more direct and less nuanced language than the JIC Assessments on which they drew.

553. The question is whether, in doing so, they conveyed more certainty and knowledge than was justified, or created tests it would be impossible for Iraq to meet. That is of particular concern in relation to the evidence in this Section on two key issues.

554. First, the estimates of the weapons and material related to Iraq’s chemical and biological warfare programmes for which UNSCOM had been unable to account were based on extrapolations from UNSCOM records. Officials explicitly advised that it was “inherently difficult to arrive at precise figures”. In addition, it was acknowledged that neither UNSCOM nor the UK could be certain about either exactly what had existed or what Iraq had already destroyed.

555. The revised estimates announced by Mr Straw on 2 May were increasingly presented in Government statements as the benchmark against which Iraq should be judged.

556. Second, the expert MOD examination of issues in late March 2002 exposed the difficulties Iraq would have to overcome before it could acquire a nuclear weapon. That included the difficulty of acquiring suitable fissile material from the “black market”.

²³⁵ Minute McDonald to Ricketts, 11 March 2002, ‘Iraq’.

557. In addition, the tendency to refer in public statements only to Iraq's "weapons of mass destruction" without addressing their nature (the type of warhead and whether they were battlefield or strategic weapons systems) or how they might be used (as a last resort against invading military forces or as a weapon of terror to threaten civilian populations in other countries) was likely to have created the impression that Iraq posed a greater threat than the detailed JIC Assessments would have supported.

558. The way in which information was presented in the dossier on Iraq published on 24 September 2002 is addressed in Section 4.2.

SECTION 4.2

IRAQ WMD ASSESSMENTS, JULY TO SEPTEMBER 2002

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Introduction and key findings

1. This Section addresses:

- the assessment between late July and late September 2002 of Iraq's capabilities and intentions to develop, produce and use chemical, biological and nuclear weapons and ballistic missiles;
- the production of the Government dossier *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, which was published on 24 September; and
- Mr Blair's statement to the House of Commons that day.

2. A significant number of the documents relevant to the events considered in this Section are already in the public domain, including:

- documents published by the Hutton Inquiry, including the four drafts of the dossier produced in September 2002; and
- documents released in response to FOI requests.

3. The Inquiry has examined most of the original, unredacted, versions of these documents and, in some cases, is adding further information to that already in the public domain. In a small number of cases, however, primarily emails given to the Hutton Inquiry, the Government has been unable to provide copies of the original documents.

4. The roles and responsibilities of the Joint Intelligence Committee (JIC) and the Secret Intelligence Service (SIS) are addressed in Section 2.

5. The development of UK strategy during the period addressed in this Section is addressed in Sections 3.3, 3.4 and 3.5.

6. The military planning for a campaign in which chemical and biological weapons could be used, and in particular the arrangements to provide protection for UK forces, are addressed in Section 6.1 to 6.3.

Key findings

- The urgency and certainty with which the Government stated that Iraq was a threat which had to be dealt with fuelled the demand for publication of the dossier and led to Mr Blair's decision to publish it in September, separate from any decision on the way ahead.
- The dossier was designed to "make the case" and secure Parliamentary and public support for the Government's position that action was urgently required to secure Iraq's disarmament.
- The JIC accepted ownership of the dossier and agreed its content. There is no evidence that intelligence was improperly included in the dossier or that No.10 improperly influenced the text.

- The assessed intelligence had not established beyond doubt either that Saddam Hussein had continued to produce chemical and biological weapons or that efforts to develop nuclear weapons continued. The JIC should have made that clear to Mr Blair.
- In his statement to Parliament on 24 September Mr Blair presented Iraq's past, current and potential future capabilities as evidence of the severity of the potential threat from Iraq's weapons of mass destruction; and that at some point in the future that threat would become a reality.
- The dossier's description of Iraq's capabilities and intent became part of the baseline against which the UK Government measured Iraq's future statements and actions and the success of weapons inspections.
- The widespread perception that the September 2002 dossier overstated the firmness of the evidence has produced a damaging legacy which may make it more difficult to secure support for Government policy, including military action, where the evidence depends on inferential judgements drawn from intelligence.
- There are lessons which should be implemented in using information from JIC Assessments to underpin policy decisions.

Late July and August 2002

Mr Blair's meeting, 23 July 2002

7. Mr Blair's meeting on Iraq on 23 July did not take firm decisions and he commissioned further advice and background material on the issues.

8. On 23 July, Mr Blair discussed Iraq with Mr Jack Straw (the Foreign Secretary), Mr Geoff Hoon (the Defence Secretary), Lord Goldsmith (Attorney General), Sir Richard Wilson (Cabinet Secretary), Admiral Sir Michael Boyce (Chief of the Defence Staff (CDS)), Sir Richard Dearlove (Chief of the Secret Intelligence Service (SIS)), Sir Francis Richards (Head of the Government Communications Headquarters (GCHQ)), Mr John Scarlett (Chairman of the JIC), Mr Jonathan Powell (Mr Blair's Chief of Staff), Baroness Morgan (Mr Blair's Director of Political and Government Relations), Mr Alastair Campbell (Mr Blair's Director of Communications and Strategy) and Sir David Manning (Mr Blair's Foreign Policy Adviser and Head of the Cabinet Office Overseas and Defence Secretariat (OD Sec)).¹

9. The meeting and the advice prepared for Mr Blair and other participants are addressed in detail in Section 3.3.

10. The Cabinet Office paper, 'Iraq: Conditions for Military Action', which was prepared to inform the discussion, was based on the assumption that Iraq was in possession of prohibited weapons and material and was not complying with its UN obligations; but

¹ Minute Rycroft to Manning, 23 July 2002, 'Iraq: Prime Minister's Meeting, 23 July'.

it did not address the issue of Iraq's weapons of mass destruction (WMD) capabilities and intentions or the actual threat posed by Iraq's WMD at that stage.²

11. Sir Richard Dearlove discussed policy towards Iraq in a meeting with Dr Condoleezza Rice, President Bush's National Security Advisor, in Washington on 19 July.³

12. The report of that discussion stated that the US view was:

- There was "growing evidence of the construction of CBW production and links to terrorists [in Iraq] stoking fears of a repeat 9/11 with WMD".
- There was a strong strategic case for removing Saddam Hussein. Continued development of WMD was not in doubt.
- A casus belli already existed.

13. Sir Richard reported that he was told a US "decision [on action] had already been taken – the question was only how and when".

14. Sir Richard also reported that, in a separate discussion with a senior US official, he had been told that the US Administration's intention was to set the threshold on UN weapons inspections so high that Iraq would not be able to hold up US policy.

15. Sir David Manning drew Mr Blair's attention to the report, commenting:

"Not much doubt here that the Administration is bent on action soon, and convincing itself that it has strong strategic, as well as a historical duty to act.

"Our views on links between Iraq, terrorism and development of WMD are different from Condi's: not proven at best ...

...

"C [Sir Richard Dearlove] will be able to give the full picture tomorrow."⁴

16. Mr Powell commented: "Strengthens the need for and urgency of your note to Bush."⁵

17. Sir David Manning gave Mr Blair an Annotated Agenda for the meeting on 23 July, including inviting:

- Mr Scarlett to set the scene with a "very brief summary" of the intelligence on the position inside Iraq; and
- Sir Richard Dearlove to provide a brief account of his recent talks in Washington. He had returned "convinced that the Administration have moved up a gear".⁶

² Paper Cabinet Office, 19 July 2002, 'Iraq: Conditions for Military Action'.

³ Report, 22 July 2002, 'Iraq [C's account of discussions with Dr Rice]'.

⁴ Minute Manning to Prime Minister, 22 July 2002, 'Iraq'.

⁵ Manuscript comment Powell to Prime Minister on Minute Manning to Prime Minister, 22 July 2002, 'Iraq'.

⁶ Minute Manning to Prime Minister, 22 July 2002, 'Iraq Meeting: 23 July: Annotated Agenda'.

18. Sir David also identified questions Mr Blair might ask, including what sort of battlefield environment was anticipated, and the response to any use of biological weapons (BW) or chemical weapons (CW).

19. The record of the 23 July meeting written by Mr Matthew Rycroft, one of Mr Blair's two Private Secretaries for Foreign Affairs, noted:

- Mr Scarlett summarised the intelligence and latest [4 July] JIC Assessment: "Saddam's regime was tough and based on extreme fear. The only way to overthrow it was likely to be by massive military action." Saddam Hussein was "worried and expected an attack", but he was "not convinced" that an attack would be "immediate or overwhelming". Real support for Saddam Hussein was "probably narrowly based".
- Sir Richard Dearlove reported that there was "a perceptible shift in attitude" in Washington: "Military action was now seen as inevitable." President Bush "wanted to remove Saddam, through military action, justified by the conjunction of terrorism and WMD. But the intelligence and facts were being fixed around the policy. The NSC [National Security Council] had no patience with the UN route and no enthusiasm for publishing material on the Iraqi regime's record."⁷

20. Mr Rycroft recorded that the meeting concluded that the UK "should work on the assumption that the UK would take part in any military action". Mr Blair also asked for further advice on a number of issues, including that Mr Scarlett would send Mr Blair a full intelligence update.

21. In a separate record circulated more widely in Whitehall, Mr Rycroft wrote that it had been suggested that Mr Scarlett provide a weekly update, on Friday mornings for Mr Blair's weekend box.⁸

22. In his account of the meeting in his diaries, Mr Campbell wrote, in relation to the points made on WMD, that:

- Mr Straw had "said of the four powers posing a potential threat with WMD ... Iraq would be fourth. He [Saddam Hussein] does not have nukes, he has some offensive WMD capability. The tough question is whether this is just regime change or is the issue WMD."
- Mr Blair "said he needed to be convinced first of the workability of the military plan, and second of an equally workable political strategy. Jack [Straw] said we could probably get the votes for a UN ultimatum, but the Americans may not want to go down that route. TB saw regime change as the route to dealing with WMD."⁹

⁷ Minute Rycroft to Manning, 23 July 2002, 'Iraq: Prime Minister's Meeting, 23 July'.

⁸ Letter Rycroft to McDonald, 23 July 2002, 'Iraq: Prime Minister's Meeting, 23 July: Follow Up'.

⁹ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

23. In his memoir, Mr Straw wrote that he:

“... ran through the four countries that posed a potential threat to world peace because of their unauthorised and highly dangerous weapons systems – North Korea, Iran, Libya, and Iraq. I thought it important to raise the issue as to whether we should contemplate not joining the US in any American military effort against Iraq. I was concerned that the case against Iraq (why did it merit the most severe action? what differentiated it from the other three?) had not at that stage been made: and also about the potential consequences for Tony’s leadership, and the survival of his government.”¹⁰

24. Sir Richard told the Inquiry that he had had “quite contentious and difficult conversations”. He had returned from Washington “deeply concerned that there was momentum in parts of [US] Administration”, and he had warned Mr Blair about that momentum.¹¹ In relation to his “alleged comment” about the intelligence being fixed around the policy, Sir Richard told the Inquiry that was really a reference to the attempts “to join up terrorism and Iraq” with which he “radically disagreed”.

25. Sir Richard Dearlove’s report of his meetings in Washington and the comment that “the intelligence and facts were being fixed around the policy” are addressed in more detail in Section 3.3.

26. Sir David Manning asked Mr Scarlett for advice on a number of issues, including a review of Saddam Hussein’s military capabilities and intentions.

27. It is not clear what was said about Iraq’s WMD in Mr Blair’s meeting on 23 July, but the following day Sir David Manning explained to Mr Blair his concern that:

“... we (and I suspect the Americans) have only a hazy idea of Saddam’s retaliatory capabilities if and when we attack Iraq. CDS [Adm Boyce] was unable to say whether we would expect to fight in a CBW [chemical and biological warfare] environment. The answer has a crucial bearing on the plausibility and viability of US military plans.”¹²

28. Sir David wrote that he had “therefore, asked John Scarlett to review all the intelligence on Saddam’s military capabilities and intentions, including:

- What military equipment do we think Saddam possesses, and in what state of readiness?
- In particular, does he [Saddam Hussein] have chemical and biological agents; and if so, can he weaponise them?
- If he can weaponise them, do we believe he can deliver them by missile or aircraft?”

¹⁰ Straw J. *Last Man Standing: Memoirs of a Political Survivor*. Macmillan, 2012.

¹¹ Private hearing, 16 June 2010, pages 34-35.

¹² Minute Manning to Prime Minister, 24 July 2002, ‘Iraq’.

29. Sir David pointed out that Iraq had not used chemical or biological agents during the 1991 Gulf Conflict, but he was unsure whether that was because Iraq did not have the capability or for other reasons. He was:

“... anyway left very uneasy by Mike Boyce’s suggestion that the Americans believe that Saddam would only use CBW as a last resort. If this is the American assessment, it strikes me as alarmingly complacent. Saddam will know that once the US launches an attack, the game is up. From his point of view, it will be last resort time from the moment the first Marines hit the beach. And with all the wisdom of the armchair strategist, it seems to me that the temptation to let fly at the Kuwait bottleneck, with everything in his armoury, could be very strong indeed.”

30. Mr Scarlett was also asked to “do more work on regime cohesion” in the light of what Sir David described as “a risk of American wishful thinking”.

31. Mr Scarlett subsequently provided a list of points on Iraq, to which he believed answers were needed, for Sir David Manning to use during his visit to Washington (see Section 3.3).¹³ The points on Iraq’s WMD were:

- Iraq’s CBW and ballistic missile capability ...
- Saddam’s ‘red lines’ which would provoke him to use CBW against Coalition Forces or his neighbours.
- What would be the Israeli response to an Iraqi CBW attack?”

32. A JIC Assessment addressing Sir David Manning’s questions about Iraq’s military capabilities was produced on 9 September. That is addressed later in this Section.

33. On 29 July, Sir David Manning delivered to Dr Rice a Note from Mr Blair to President Bush.

34. Mr Blair sent President Bush a “Note on Iraq” dated 28 July which was intended to influence President Bush’s thinking on Iraq.¹⁴ The Note and the subsequent discussions between Sir David Manning and senior members of the US Administration, including President Bush, and Mr Blair’s own discussion with President Bush, are addressed in Section 3.3.

35. Mr Blair’s Note included six elements for “A Strategy for Achieving a Coalition”.

¹³ Minute Scarlett to Manning, 26 July 2002, ‘Iraq: We do not know enough about ...’.

¹⁴ Note Blair [to Bush], 28 July 2002, ‘Note on Iraq’.

36. One of the elements was the need to explain why action to disarm Iraq was necessary. In a paragraph on “**The Evidence**”, Mr Blair wrote that he had been told that the US thought evidence was unnecessary but his view was “we still need to make the case”. He suggested:

“If we recapitulate all the WMD evidence; add his [Saddam Hussein’s] attempts to secure nuclear capability; and, as seems possible, add on the Al Qaida link, it will be hugely persuasive over here. Plus ... the abhorrent nature of the regime. It could be done simultaneously with the deadline.”

37. In a final section addressing “**The Military Plan**”, Mr Blair wrote that he had been advised that there was a “risk of CW being used” if a military attack was launched which did not result in the rapid collapse of the Iraqi regime.

38. Sir David Manning had a “pre-meeting” with Mr Richard Armitage, the US Deputy Secretary of State.¹⁵

39. Sir David told the Inquiry that he had raised a number of detailed points with Mr Armitage:

“... Why now? What if Saddam Hussein were to use weapons of mass destruction during a military campaign? What would follow military action? What role ... would the United States see the United Nations playing, and what was the United States planning to do about the Middle East Peace Process [MEPP]?”¹⁶

40. Sir David said that he had told Mr Armitage that he “didn’t think we had answers to those questions”. Mr Armitage had replied that he thought they needed a lot more work and that: “It was better to be right than to hurry.”

“Summer reading”

41. In response to a request from Mr Powell, Mr Scarlett sent Mr Blair “classified reading material on Iraq” including two documents produced by the Defence Intelligence Staff (DIS) on proliferation of weapons of mass destruction and Iraq:¹⁷

- ‘Proliferation Study of Iraq’, providing an in-depth study of each of Iraq’s programmes to develop weapons of mass destruction, produced in August 2002; and
- an ‘aide memoire on Weapons of Mass Destruction and Proliferation’, including Iraq, produced in June 2002.

¹⁵ Public hearing, 30 November 2009, page 16.

¹⁶ Public hearing, 30 November 2009, pages 16-17.

¹⁷ Minute Scarlett to Powell, 1 August 2002, ‘Iraq: Classified Reading Material’.

42. The first was a document of almost 500 pages, “designed to provide a comprehensive reference and briefing document” for use by government departments, providing details of:

- Iraq’s nuclear, chemical and biological programmes and their potential means of delivery, particularly ballistic missiles;
- procurement mechanisms in recent times;
- the critical goods which Iraq would require for WMD-related programmes;
- goods and technologies which Iraq was actively seeking;
- developments in indigenous military production; and
- Iraq’s conventional arms purchases.¹⁸

43. The document replaced a version produced in 1996.

44. A one-page summary of key judgements was provided, including:

- The location and condition of the concealed Al Hussein missiles was “unknown”, but there was “sufficient engineering expertise to make them operational”.
- Iraq had “begun development” of ballistic missiles with a range of more than 1,000km, but it would “not be able to produce such a missile before 2007 provided sanctions remain effective”.
- Iraq was “continuing to carry out research into nuclear weapons development at a theoretical level” and intelligence indicated that it might have recalled its nuclear scientists from civilian work in 1998.
- Iraq might “be trying to develop centrifuge enrichment of uranium”, but that was “likely to produce significant, if not insurmountable problems”.
- “Some clandestine procurement has been attempted abroad using foreign front companies. Many ‘dual-use’ items such as machine tools and electrical equipment have been acquired which would be available for the nuclear programme.”
- It was assessed that Iraq had “no intention of restoring its CW agent production to pre-Gulf Conflict levels” but it “could begin the production of mustard gas on a significant scale at any time and the nerve agents sarin and VX within weeks”.
- It was assessed that Iraq was “continuing to conceal the full extent of its BW programme in order to preserve a limited offensive capability and that it could revive its BW programme within a matter of weeks without much difficulty or outside assistance”.
- Iraq’s CBW production capability had “been dispersed to survive a military attack and UN inspections”.

¹⁸ Paper Defence Intelligence Analysis Staff, August 2002, ‘Proliferation Study: Iraq’.

45. The second document addressed several countries of concern.¹⁹ A two-page Annex provided comments on Iraq.

46. On Iraq's nuclear weapons, the DIS stated that the intelligence on Iraq's nuclear weapons programme was "limited". Saddam Hussein had held regular meetings with Iraqi Atomic Energy personnel and expressed continuing support of atomic energy. There was:

"No confirmed weapon-related facilities have been identified but some civil research continues at Tuwaitha and rebuilding of Military Industrial Complex facilities continues. Many scientists from the former nuclear weapons programme are known to work at ... al-Tahidi and may conduct nuclear-associated research. Any links to a weapons programme have yet to be established."

47. On Iraq's ballistic missiles systems, the DIS set out Iraq's activities to develop short range systems. On long-range missiles, it stated that Intelligence indicated Iraq had:

- a longer-range SCUD-derived missile "under development". That was "probably linked to the construction of a new large liquid propellant rocket engine static test stand";
- continued work on longer-range systems but it was "unlikely to produce such new systems within five years if sanctions remained effective"; and
- "reported ambitions for missiles with ranges of 2,000 to 3,000km".

48. In addition, the DIS had "recently noted a world-wide drive to acquire production-level quantities of materials for making solid rocket motors and a continued emphasis on guidance and control technology".

49. On Iraq's chemical and biological programmes the DIS stated:

- There had been "some refurbishment" of the former CW precursor production facility near Habbaniyah, but "this could not support large-scale CW agent production".
- The possibility existed that Iraq had "a series of transportable production facilities, although none have yet been identified, possibly as a result of denial and deception".
- Iraq had "the necessary command and control structure necessary to deliver CBW weapons". There were "no specifics on preferred delivery options" but they could, in the future, include the L-29 Unmanned Aerial Vehicle (UAV).

50. It is clear from the documents on the No.10 files that Mr Blair read the papers.

¹⁹ Paper Defence Intelligence Analysis Staff, June 2002, 'aide memoire on Weapons of Mass Destruction and Proliferation'.

51. When No.10 asked for reading material for Mr Gordon Brown, the Chancellor of the Exchequer in September 2002, Mr Scarlett provided the same documents.²⁰

Reservations about the wisdom of publishing the dossier

52. As set out in Section 4.1, Mr Tom McKane, Deputy Head of OD Sec, was asked in March 2002 to chair an inter-departmental group to take forward work on the substance of a paper for publication on Iraq.²¹ Mr Campbell was to retain the lead role on the form of the document and timing of its publication.

53. Mr McKane sent the latest versions of the “three Iraq public documents: on WMD, Weapons Inspections and Abuse of Human Rights” to Sir David Manning on 21 June, asking whether the three documents should be treated as a package or the WMD paper should be published separately.²² Mr Scarlett’s preference was for the latter, but most officials in the inter-departmental group thought the papers should be published together.

54. Mr McKane also produced a draft Foreword “which could be issued in the name of Mr Straw or jointly by him, Mr Hoon and Ms Short [the International Development Secretary]”.

55. On 16 July, Sir David Manning, Mr Powell and Mr Campbell agreed that publication of the three papers on Iraq should be put on hold.²³

56. The Cabinet Office paper of 19 July recommended that Ministers should:

“Agree to the establishment of an ad hoc group of officials under Cabinet Office chairmanship to consider the development of an information campaign to be agreed with the US.”²⁴

57. There was no mention of that issue in the record of Mr Blair’s meeting on 23 July.²⁵

58. Mr McKane told the Inquiry that the proposal had come from the MOD and that he had seen it as related to, but separate from, the production of the dossier.²⁶ The dossier seemed to him to be:

“... about putting the fact[s] before the British public in a way that would explain why this [Iraq] was a problem and a problem that had to be dealt with.

“So ... it might have formed an element of a broader information campaign.”

²⁰ Minute Scarlett to Rycroft, 5 September 2002, ‘Iraq: Classified Reading Material’.

²¹ Manuscript note Rycroft to McKane, 25 March 2002, on Minute Ricketts to Patey, 22 March 2002, ‘Iraq: Preparing Material for Public Release’.

²² Minute McKane to Manning, 21 June 2002, ‘Iraq: Public Documents’.

²³ Minute Manning to McKane, 16 July 2002, ‘Iraq: Public Documents’.

²⁴ Paper Cabinet Office, 19 July 2002, ‘Iraq: Conditions for Military Action’.

²⁵ Minute Rycroft to Manning, 23 July 2002, ‘Iraq: Prime Minister’s Meeting, 23 July’.

²⁶ Public hearing, 19 January 2011, pages 79-80.

59. On 5 August, Mr Peter Watkins, Mr Hoon's Principal Private Secretary, wrote to Sir David Manning suggesting that there was "a need to bolster our public lines on Iraq for the summer while not changing our fundamental posture that no decision has been taken on military action".²⁷

60. Mr Watkins wrote that the Government was "likely to face a long hot summer of media speculation about the possibility of military action". He suggested strengthening the presentation of existing lines and reinforcing them with recent quotes from Mr Blair and others "about the WMD threat posed by Saddam Hussein". MOD and FCO officials were working on that but careful drafting would be required "to avoid foreshadowing the document now under consideration in the Cabinet Office". He added:

"The aim would be to reinforce the message that the threat is real, without suggesting that we have determined any particular policy to counter it."

61. Mr Watkins suggested there was a need for "some closely held inter-departmental thinking on a contingent information strategy in support of any decision to take military action against Iraq".

62. Sir David Manning was not persuaded that action was needed immediately and asked Ms Anna Wechsberg, one of Mr Blair's two Private Secretaries for Foreign Affairs, to follow up.²⁸

63. Sir David also sent a copy of the minute and his comments to Mr Scarlett.

64. Ms Wechsberg spoke to Mr Hoon's Private Office to say that No.10 was "not enthusiastic" about the proposals. It was agreed that, unless the MOD identified "other arguments for proceeding, the idea will be dropped for now".²⁹

65. In a minute on 8 August, reporting developments while Mr McKane had been on leave, Mr Jim Drummond, Assistant Head OD Sec (Foreign Policy), wrote that, in the context of the public debate on Iraq "raging on in the press", Sir David Manning had "been very clear that he wants no action taken on the release of the dossier or any private briefing of those engaging in the debate".³⁰

66. Mr Drummond also reported that Mr John Williams, FCO Press Secretary (formerly Head of FCO News Department), had told Mr Straw that "releasing the dossier would be a bad idea because it has insufficient evidence to convince public opinion".

²⁷ Letter Watkins to Manning, 5 August 2002, 'Iraq: Public Posture and Information Strategy'.

²⁸ Manuscript comment Manning to Wechsberg, 6 August 2002, on Letter Watkins to Manning, 5 August 2002, 'Iraq: Public Posture and Information Strategy'.

²⁹ Manuscript comment Wechsberg, 7 August 2002, on Letter Watkins to Manning, 5 August 2002, 'Iraq: Public Posture and Information Strategy'.

³⁰ Minute Drummond to McKane, 8 August 2002, 'Iraq'.

67. Mr McKane had an interdepartmental meeting planned for 19 August. Mr Drummond suggested that if it went ahead, it might be “small and informal to consider the options for a press campaign if/when Ministers take political decisions about Iraq”.

68. Mr Williams had written a minute on 2 August which prompted Mr Edward Chaplin, FCO Director Middle East and North Africa, to write to Mr Andrew Patrick, FCO Head of Newsroom, that: “Although the dossier includes some good material, it presents little new evidence of Iraq’s WMD to justify a move away from our policy of containment/deterrence.”³¹ He had discussed the issue with SIS who took “the same view”.

69. Mr Chaplin suggested that special briefings for key foreign leaders would be needed “in addition to any dossier”, to “convince them that the Iraqi WMD threat was real, drawing on intelligence material more freely than would be possible in a public document”.

70. That might be extended to:

“... a selection of opinion-formers in the UK ... In private briefings one could be much more explicit about the threat, using recent JIC Assessments (SIS have suggested that this could be done without undue threat to sources), plus a political briefing and, perhaps, a description of the damage which a relatively small quantity of WMD could inflict in urban areas of Britain.”

71. Mr Chaplin also reported that another senior FCO official had pointed out the risk of “binning the dossier, given that it has already been so heavily trailed”, and suggested a briefing note could still be published “nearer the time of military action” along the lines of a document on the “sins of Saddam” produced in 1998.

72. Mr Chaplin suggested the message would be that:

“... there is still a serious potential threat to UK national security; action has to be taken; the problem could still be resolved peacefully; but if Iraq pursues this route, military action as a last resort is right.”

73. Mr Chaplin concluded that, if Mr Patrick and Mr Williams thought his proposals were “a runner”, the idea could be developed with the Cabinet Office and others and submitted to Ministers “after the holiday season”.

74. Mr Chaplin’s minute was sent to the Private Offices of Mr Straw and Mr Mike O’Brien, Minister of State for Foreign and Commonwealth Affairs, and to Sir Michael Jay, FCO Permanent Under Secretary (PUS), and other senior officials.

³¹ Minute Chaplin to Patrick, 9 August 2002, ‘Iraq’.

75. In his statement to the Inquiry, Mr Williams wrote that he had been “instinctively against the idea of a dossier” which seemed to him:

“... to rest on uncertainties, as by definition we did not know what Iraq had done with weapons and materials which it had been told by the UN to account for, but hadn’t. That is not to say I questioned the general concern about Iraq, only that I had a feeling we would be in difficulty if we were asked for evidence of things that were inherently unknown to the international community.”³²

76. Mr Williams added that he:

“... had no inkling that Iraq may no longer possess such weapons, only an anxiety that we could not know the extent of weaponry which the UN was unable to inspect or verify.”

77. Mr Williams also wrote that his recollection was that “there was never a voice raised” in Mr Straw’s presence, “or in the flow of paper ... that ever raised doubts that Iraq still possessed weapons of mass destruction”.³³

78. Mr Williams stated that he had done nothing about his concerns until August 2002, when he “vividly” recalled that he felt “he had to do something”, and he wrote a note asking Mr Straw, when he returned from holiday, to try to persuade Mr Blair “to forget about a dossier”.³⁴ He had argued that the Government should not take it upon itself to prove what the inspectors had not been able to prove. The note was overtaken by Mr Blair’s announcement at Sedgefield, which is addressed later in the Section, and Mr Williams did not receive a response.

79. The Government has been unable to find either Mr Williams’ minute of 2 August or any subsequent minute to Mr Straw in August 2002. Mr Williams’ minute of 4 September is addressed late in this Section.

80. During an unpublicised visit to the US on 20 August, Mr Straw informed Mr Colin Powell, US Secretary of State, that:

- **Mr Blair had been irritated to find himself in the position, where the US and UK had been “outed” before they had been able to make the case with the public for action against Iraq.**
- **The UK’s draft dossier on Iraq did not in his view lead inexorably to the conclusion that military action was the only way to deal with Saddam Hussein.**
- **A better case for action could be made.**

³² Statement, December 2010, paragraph 7.

³³ Statement, December 2010, paragraph 10.

³⁴ Statement, December 2010, paragraphs 13-14.

81. When Mr Straw and Secretary Powell met on 20 August, they discussed Mr Blair's Note to President Bush of 28 July and its impact on thinking in the US.³⁵

82. In relation to Iraq's weapons of mass destruction, Secretary Powell told Mr Straw that dossiers on the "case for action" were being prepared:

"True believers would see a smoking gun no matter what. But most of the stuff Iraq was importing was dual-use. It was not clear that the situation was any more serious this year than last."

83. Mr Straw handed over a copy of the UK's draft dossier:

"Although it made clear that Saddam was a very bad man, the contents did not lead inexorably to the conclusion that the only way to deal with him was by military action."

84. Mr Straw told Secretary Powell that he had discussed the position with Mr Blair the previous day. Mr Blair was concerned and had:

"... asked him to stress that the problem was that we had been 'outed' long before we had been able to make the case with the public for action ..."

85. Addressing the "public case", Mr Straw said that the UK dossier:

"... needed a compelling last chapter. We could make a better case than the one we had made so far. Traditional Cold War-style containment did not work for WMD. Rogue states did not have as much at stake as the Soviet bloc."

86. On 19 August, Mr McKane chaired a "restricted" inter-departmental meeting on an information strategy on Iraq.³⁶

87. The MOD had provided an outline of the shape an information strategy might take, with the objectives of attaining "domestic acquiescence" and regional and international support.

88. The meeting also discussed the forthcoming International Institute of Strategic Studies (IISS) report (on Iraq's WMD). It was perceived as "useful", but the UK should "resist any calls" to publish the dossier, "which would be seen by the media as a positive indication of UK preparations for a military operation against Iraq".

89. In conclusion, Mr McKane:

"... re-iterated the sensitive nature of the meeting. It was important that no work was taken forward in the absence of a policy decision, and that no action was taken that might be misconstrued by the media as an indication of the UK's policy decision."

³⁵ Letter McDonald to Manning, 21 August 2002, 'Foreign Secretary's Visit to the US, 20 August 2002'.

³⁶ Minute [Cabinet Office junior official] to McKane, 21 August 2002, 'Information Strategy – Iraq'.

90. It is not clear who attended the meeting as the record was not sent to participants.

91. Mr McKane described the meeting to the Inquiry as a “throat clearing exercise”.³⁷

92. Reporting on a meeting on 22 August to update Sir David Manning on developments concerning Iraq, Mr Tom Dodd, a junior official in OD Sec, wrote that the IISS would be publishing “an academic dossier” on Iraqi WMD on 9 September:

“Officials have considered whether we should publish our own dossier in advance or shortly afterwards. However they feel that the HMG dossier should only be published in the context of Ministerial decisions on a policy change towards Iraq and as part of a fully-fledged media campaign.”³⁸

Revision of the WMD paper

93. Mr Scarlett had been working on the WMD paper in the dossier during August.

94. On 8 and 9 August, there was an email exchange between the Assessments Staff and the MOD about whether there was evidence available on Iraq’s ballistic missile work outside the activities permitted by the UN:

- The MOD was asked if it could provide two to three “examples of ballistic missile related sites” which were relevant to the claim that Iraq was breaking the limit of 150km range permitted by the UN.³⁹ Mr Scarlett was “keen” to include them in the dossier. The MOD was also asked for “an explanation of the shed going up at al-Rafah”, which Mr Scarlett also wanted to mention.
- The MOD replied that it was not sure what it could provide but it would “see what we can do”.⁴⁰
- In a subsequent email, the MOD stated that al-Rafah was a known engine test site, which had been bombed in 1991 and December 1998.⁴¹ It was “no surprise” that Iraq was putting “a lid on the new stand to prevent imagery observation of test objects – the implication being that the stand is nearing completion and/or there will be something to test on it”.
- The MOD also commented: “You will recall that ... we said that ... points about buildings being reconstructed ... rely on inference and comparisons with what they were trying to do before the Gulf War with BADR-2000. A big assembly building does not automatically make large missiles ... If the Chairman wants

³⁷ Public hearing, 19 January 2011, page 79.

³⁸ Minute Dodd to Manning, 23 August 2002, ‘Iraq’.

³⁹ Email [1525] [Assessments Staff junior official] to [MOD junior official], 8 August 2002, ‘Dossier – missile sites’.

⁴⁰ Email [1646] [MOD junior official] to [Assessments Staff junior official], 8 August 2002, ‘Re: Dossier – missile sites’.

⁴¹ Email [1815] [MOD junior official] to [Assessments Staff junior official], 8 August 2002, ‘Re: Dossier – missile sites’.

to make the UK paper into a smaller clone of [...] ... I would tend towards relying on quality ...”

- The MOD suggested “Further to your request to make the public paper more exciting”, text describing facilities which had “potential applicable to production of the prohibited long-range missile that Iraq is known to be developing”, and a reference to “concerted efforts to acquire additional manufacturing technology for its missile programmes” with some items “inevitably” slipping through the embargo.⁴²

95. On 19 August, Ms Jane Hamilton-Eddy, one of the Deputy Heads of the Assessments Staff, sent a further draft of the dossier to the DIS. She wrote that Mr Scarlett had recently reviewed the document, and made changes. The presentation of the CBW sections had been revised “to bring out more clearly our judgements” although the text itself was “not new”.⁴³ Mr Scarlett was also:

“... particularly keen to include examples of suspicious facilities, so can I ask that we look closely at the relevant areas to see if anything more can be said.”

96. Ms Hamilton-Eddy added that the aim was to have the revised document ready “by the end of the summer break”.

97. While the revised draft largely contained the same material as the draft sent to Sir David Manning by Mr McKane on 21 June (see Section 4.1), there were a small number of additions.⁴⁴ Those included:

- In relation to the material for which the inspectors had been unable to account, Iraq’s “declarations to UNSCOM [UN Special Commission] deliberately obscure the picture”.
- “Iraq’s military forces maintain the capability to use these weapons, with command, control and logistical arrangements in place.”
- “Facilities of concern include the Castor Oil Production Plant at Habbinayah, which could be used in the production of ricin ... and the Al-Dawrah Foot and Mouth Disease Vaccine Plant, which was involved in BW agent production before the Gulf War.”
- Details of the possible delivery means for chemical and biological agents.
- “Following the expulsion of weapons inspectors in 1998 Iraq has increased [covert efforts to acquire technology and materials with nuclear applications]. There is compelling evidence that Iraq has sought the supply of significant quantities of uranium from Africa.”

⁴² Email [1806] [MOD junior official] to [Assessments Staff junior official], 9 August 2002, ‘Re: Dossier – missile sites’.

⁴³ Minute Hamilton-Eddy to [DIS junior official], 19 August 2002, ‘Iraq Public Dossier’.

⁴⁴ Minute [DIS junior official] to [DIS junior official], 30 August 2002 attaching ‘Iraq Public Dossier’ Paper [Cabinet Office], [undated], ‘Iraqi WMD Programmes’.

- A box on the gas centrifuge uranium enrichment process which described “Many hundreds or thousands of centrifuges ...”
- “Iraq admitted to UNSCOM it had 50 chemical and 25 biological warheads [in 1991] but did not use them.”
- Iraq had retained “up to 20”, Al Hussein missiles, rather than “more than a dozen”.
- The new facilities at al-Rafah “would not be needed for systems that fall within the UN permitted range of 150km. The Iraqis have recently taken measures to conceal activities at this site.”
- “Some aspects of this [the new missile-related infrastructure under construction], including rocket propellant mixing and casting facilities at the Al Mamoun Plant, appear to replicate those linked to the prohibited BADR-2000 programme that were destroyed in the Gulf War or by UNSCOM.”

98. The DIS responded on 30 August, stating:

- The UK did not “know where CBW work was being conducted – by its nature it can be conducted in small facilities or labs ... Even if only a few litres of agent a day had been manufactured in the 1,200 or so days since UNSCOM left, a considerable stockpile could have been built up.”
- Iraq had a capability to produce biological “agents” as well as weapons.
- Iraq had repeatedly claimed that the agents in “unaccounted for CW weapons would have deteriorated sufficiently to render the weapons harmless. But this was found not to be the case by UNSCOM when they examined Iraqi weapons, many years after they and [sic] been filled (in fact the inclusion of stabilisers in the nerve agent would prevent decomposition).”
- Iraq had admitted that it had 75 chemical warheads for SCUD type missiles.
- It had “nothing else to offer” on Iraq’s ballistic missile programmes.
- Iraq had started to take journalists to facilities to “demonstrate that they are benign”.
- Dr Hans Blix, the Executive Chairman of UNMOVIC, had recently stated that there were “some 700 sites” in Iraq the inspectors would like to visit. None were “proven WMD sites” and if specific facilities were mentioned in a public dossier, there was a risk Iraq would target those facilities for visits by journalists “in an attempt to undermine the impact of the dossier”.⁴⁵

⁴⁵ Minute [DIS junior official] to [DIS junior official], 30 August 2002, ‘Iraq Public Dossier’.

JIC Assessment, 21 August 2002: 'Iraq: Saddam's Diplomatic and Military Options'

99. A JIC Assessment of 21 August concluded that in a conflict Saddam Hussein would order missile strikes and the use of CBW against Coalition Forces, supporting regional states and Israel.

100. The JIC had little intelligence on Iraq's CBW and little insight into how it would fight. Its conclusions reflected the Committee's own judgements.

101. In relation to Saddam Hussein's intentions to use CBW and missile strikes, the sense of certainty that Iraq had chemical and biological weapons and that it would use them in the Key Judgements reflected a wider judgement than could have been derived from the information in the Assessment itself.

102. At the request of the MOD, the JIC issued an Assessment on 21 August considering "what diplomatic options Saddam has to deter, avert or limit the scope of a US-led attack".⁴⁶ The judgements on these issues are set out in Section 3.4.

103. In addition, the Assessment considered Saddam Hussein's "military options for facing a US-led attack" and how his analysis about each course of action might "change as an attack becomes increasingly imminent". It examined Iraq's options for the short term, whether Saddam Hussein might seize the initiative, how Iraq might respond to a US military build-up, Saddam's options in "war" – including the use of missiles and WMD, and "alternative scenarios and at the death".

104. Iraq's options for the use of weapons of mass destruction were considered "only briefly" as the JIC would assess those in early September, but the JIC offered two Key Judgements:

- "Early on in any conflict, Saddam would order missile attacks on Israel, Coalition Forces and regional states providing the US with bases."
- "Saddam would order the use of CBW against Coalition Forces at some point, probably after a Coalition attack had begun. Once Saddam was convinced that his fate was sealed, he would order the unrestrained use of CBW against Coalition Forces, supporting regional states and Israel."

105. The Assessment stated that "Saddam would probably order missile attacks" and the JIC judged that attacks on Israel would be "an attempt to attract Israeli retaliation and thus widen the war, split the Coalition and arouse popular opinion in the Arab States". Missiles "could be armed with chemical or biological warfare (CBW) agents", although "Saddam might be deterred at least initially by the threat of Israeli nuclear retaliation."

⁴⁶ JIC Assessment, 21 August 2002, 'Iraq: Saddam's Diplomatic and Military Options'.

106. The Assessment also stated:

- Iraq had a “limited number of long-range missiles ... available”; the JIC assessed “12-20 650km range Al Hussein missiles”.
- Iraq had produced more than 50 Al Samoud missiles with a range of 150km.
- Attacks on Coalition Forces in Kuwait would require Iraq to deploy short-range missiles into the “No Drive Zone [south of the 32nd parallel – imposed in resolution 949 (1994)]”.
- A pre-emptive missile attack on Israel was “less likely because it would show Iraq had been lying about its retention of long-range missiles”.

107. Although it had “little intelligence on Iraq’s CBW doctrine” and knew “little about Iraq’s CBW work since late 1998”, the JIC judged 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.”

108. Addressing the possibility of “Alternative scenarios and at the death” the Assessment also stated:

- Saddam Hussein “might pursue an extreme course of action at an earlier stage” if he judged it to be “worth the risk of providing the US with overt justification to attack”.
- Unorthodox options might include “the early or pre-emptive use of **CBW**”; “**CBW terrorism**: although Saddam probably lacks the capability to deploy a sophisticated device, he could cause widespread panic”.
- “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”. At that 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 and biological agents in sufficient quantities to be effective and the means to deliver them.”

109. The *Review of Intelligence on Weapons of Mass Destruction*, the Butler Report, stated:

“The Key Judgements ... would rightly have been prepared on a precautionary basis. Perhaps for that reason, we have observed that when set against the intelligence on Iraqi programmes contained in advice to Ministers in March [2002], 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 these weapons, it would quickly produce agent, weaponise it and deploy weapons to units ...”⁴⁷

110. The Butler Report also stated:

“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.”⁴⁸

111. Mr Julian Miller, Chief of the Assessments Staff from September 2001 to November 2003, told the Inquiry that the Assessment had:

“... picked up a report from an established source which referred to the intention to use weapons. I think it didn’t distinguish between chemical and biological. It implied both were intended to be used. [...]”⁴⁹

Dr Blix’s interview, 25 August 2002

Dr Hans Blix, Executive Chairman of UNMOVIC, gave an interview on NBC’s *Meet the Press* programme on 25 August.⁵⁰

Asked whether Iraq possessed biological, chemical or nuclear weapons, Dr Blix responded that there were “many open questions” but the inspectors did not have proof that Iraq had weapons of mass destruction.

Dr Blix also pointed out that “an absence of evidence is not the evidence of absence”.

Other points made by Dr Blix are set out in Section 3.4.

Mr Blair’s position at the end of August 2002

112. In August, debate in the US about whether military action would be taken against Iraq intensified.

113. The events and debate within the UK Government before Mr Blair’s press conference in Sedgefield on 3 September are addressed in Section 3.4.

114. On 26 August, in a major speech to a National Conference of the Veterans of Foreign Wars on the threat from terrorism, the US Vice President, Mr Dick Cheney, stated that Saddam Hussein had “made a science out of deceiving the international

⁴⁷ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 292.

⁴⁸ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 293.

⁴⁹ Private hearing, 5 May 2010, page 11.

⁵⁰ NBC, 25 August 2002, *Meet the Press*.

community”.⁵¹ The “Iraqi regime has in fact been very busy enhancing its capabilities in the field of chemical and biological weapons” and that “we now know that Saddam has resumed his efforts to acquire nuclear weapons ... Many of us are convinced that Saddam will acquire nuclear weapons fairly soon.”

115. Vice President Cheney added that there was “no doubt” that Saddam Hussein had weapons of mass destruction and was “amassing them to use against our friends, against our allies, and against us”.

116. In a telephone call on 29 August, Mr Blair and President Bush discussed Iraq, including the need to make clear that Iraq was the UN’s problem and that the issue was total disarmament of Iraq’s WMD and associated systems not just the reintroduction of inspectors.⁵² Mr Blair:

“... wanted the UN to meet that challenge, but if it could not we would have to act. So we should remake the case, put together the evidence against Saddam, and work up a UNSCR [UN Security Council resolution] ...”

117. When Mr Blair returned to No.10 after his holiday, he set out his concerns about the public debate, and that he and President Bush had been “outed” as having decided on military action when no decisions had been taken.

118. As part of a wider note to No.10 officials on 30 August about the strategy on Iraq, Mr Blair set out his position:

“I don’t need any convincing as to where we are on this. The state of opinion, the difficulties. The problems are compounded by the fact that [President] Bush and myself have been ‘outed’ as having decided for war, come what may, when actually no decisions have been taken. So the arguments are all being made against any action, when we are not yet in a position to make the arguments for it. But all this can be turned round in time, with the right strategy.

“My basic view on Iraq is clear and hard. The policy of containment ... has worked up to a point, but can’t continue indefinitely; there is no doubt that, uncontained, Iraq is a threat; they are trying to acquire nuclear weapons capability; they are developing ballistic missile capability for biological and chemical weapons of a longer-range; they retain substantial WMD stocks ...

“Opinion against action divides into two: those always opposed and the usual anti-American lobby; and those, a large number, who ask entirely sensible questions, but who might support action if the questions were answered.”⁵³

⁵¹ The White House, 26 August 2002, *Vice President Speaks at VFW [Veterans of Foreign Wars] 103rd National Convention*.

⁵² Letter Rycroft to McDonald, 29 August 2002, ‘Iraq: Prime Minister’s Phone Call with President Bush, 29 August’.

⁵³ Note Blair [to No.10 officials], 30 August 2002, [extract ‘Iraq’].

119. Mr Blair stated: “The basic strategy should be to answer these questions and, in doing so, set ... Iraq in a bigger context.” The steps to do that included:

- raising the whole issue of WMD up the agenda with a separate strategy for each country developing WMD, “in particular [those] acquiring nuclear technology in secret”; and
- setting out the “unique danger posed by Iraq ... an inherently violent and unstable regime, with a track record of external aggression, unmitigated by any moderate elements unlike other WMD countries”.

September 2002

Mr Blair’s decision to publish the dossier

120. On 2 September, Mr Campbell wrote to Sir David Manning, Mr Powell and Mr Rycroft, saying that Mr Blair was “alarmed, and angry, at the way parts of our thinking and planning on Iraq are seeping into the media in an uncoordinated and undisciplined way”.⁵⁴ “Above all”, Mr Blair was “concerned what the US Administration must think”. Mr Blair intended to use his press conference the following day (in his Sedgefield constituency) to make the general position clear and “give people a public script”.

121. The FCO advice to Mr Blair before the press conference in Sedgefield on 3 September 2002 stated unequivocally that Iraq had and was hiding WMD; and that it had continued its chemical, biological, nuclear and ballistic missile programmes after the departure of UN weapons inspectors in December 1998.

122. The FCO advice conflated past, present and potential future capabilities and conveyed a sense of certainty about Iraq’s capabilities and intentions without acknowledging that the judgements were inferential and that there were uncertainties about Iraq’s current capabilities and caveats about the absence of intelligence in the existing JIC Assessments.

123. The FCO asserted the belief that Iraq had recently accelerated its weapons programmes, but it did not substantiate that assertion.

124. In preparation for his press conference in Sedgefield, Mr Blair asked for information on a number of issues, including a summary of:

- “what we knew of the existing Iraqi WMD programme, in particular ballistic missile technology (and its significance); and nuclear weapons technology (including why the civil nuclear programme they are funding is almost certainly misused for weapons programmes)”.⁵⁵

⁵⁴ Minute Campbell to Manning, 2 September 2002, [untitled].

⁵⁵ Minute Blair to Manning, 1 September 2002, [untitled].

125. The FCO response was sent to No.10 on 2 September by Mr Mark Sedwill, one of Mr Straw's Private Secretaries who had been attached to UNSCOM between 1996 and 1998.⁵⁶

126. Addressing the question "**Does Iraq possess WMD?**", the FCO stated:

"Yes. Iraq is still hiding weapons of mass destruction in a range of locations. The regime has admitted hiding chemical, biological weapons and missile parts ...

"The Iraqi regime has admitted producing large quantities of chemical warfare agents ... It has also admitted ... producing biological warfare agents ...

"In the course of their work between 1991 and 1998, UN weapons inspectors were unable to account for thousands of tonnes of so-called precursor chemicals used in the production of weapons; hundreds of tonnes of chemicals used in the production of VX nerve agent; up to a dozen ballistic missiles with a range of over 600 kilometres; and tens of thousands of special munitions which can be used in chemical and biological weapons."

127. Addressing "**Developments in Iraq's WMD programmes Since the Last Inspections?**", the FCO stated:

"... the Baghdad regime continues to pursue ballistic missile, nuclear, chemical and biological programmes in breach of its UN obligations.

"We believe that Iraq has recently accelerated its weapons programmes. For example:

"Saddam's ballistic missile programme has made continued progress and facilities damaged by Operation Desert Fox in 1998 have been repaired. We believe that he is planning to extend the range of his current missiles beyond the 150km limit imposed by the UN ...

"We have reports of increased nuclear procurement. We think R&D on a nuclear weapons programme has restarted. If sanctions are lifted, we believe that Saddam could develop a nuclear weapon within 5 years. If he were able to procure fissile material from outside Iraq, then he might possess a nuclear capability in a much shorter timeframe.

"We believe that the Iraqi regime continues its biological and chemical weapons programmes."

128. The FCO advised Mr Blair that Iraq did not have an active civil nuclear programme and that almost all its facilities had been dismantled after 1991. The International Atomic Energy Agency (IAEA) inspected "the small quantity of radioactive material which Iraq was permitted to keep for research". The FCO added: "In these circumstances,

⁵⁶ Letter Sedwill to Rycroft, 2 September 2002, 'Iraq'.

it is more important than ever that the ... inspectors are given unconditional and unrestricted access ...”

129. The FCO stated that “UN measures” had “played a vital role in frustrating Saddam’s ambitions to develop WMD” and described the new sanctions regime adopted by the UN on 14 May 2002 as demonstrating “that the international community remains united in its determination to control the export of military-related items to Iraq”.

130. In response to a potential suggestion that the absence of the promised dossier demonstrated the weakness of the Government’s case, the FCO stated:

“Not at all. The scale of the Iraqi WMD programme uncovered by UN inspectors in the 1990s demonstrates the extent of Saddam’s ambitions. And his previous use of chemical agents against his own people demonstrates that he will show no compunction in using such weapons.

“... All of our intelligence reporting, revelations from Iraqi defectors and past experience tells us that Iraq is taking advantage of absence of inspections to revive its chemical, biological and nuclear programmes.”

131. The FCO also referred to the examples of past Iraqi concealment and deceit identified in UNSCOM’s final report in 1999.

132. The FCO stated that further details on Iraq’s WMD programmes were set out in the draft dossier on Iraq, which had been produced earlier in the year for possible publication.

133. A separate FCO brief on the policy of containment stated:

- The purpose of the policy (of containment) had been to ensure that Iraq was disarmed through two main elements:
 - disarmament through inspections regimes; and
 - reducing Iraq’s ability to finance its WMD programmes by controlling its revenues from oil.
- The policy had “some success in dismantling Saddam’s arsenal when the inspectors were able to operate”, and it had “slowed his efforts to rebuild WMD”. The arms embargo had “been effective in preventing Saddam acquiring new complete weapons systems”.
- But, “in the absence of inspectors”, Iraq could “work on its WMD programmes unimpeded” and Iraq was “in violation of a string of Security Council resolutions intended to curb” those programmes.
- Controls on revenues were “eroding”, giving Saddam “access to large sums over which the international community had no control” and “much” of that was “certainly going into his high-priority WMD programmes”.

- Although the sanctions regime had been “targeted on goods of most concern”, no sanctions regime would “be completely effective in stopping a ruthless and well-funded regime getting its hands on some of the goods and technology needed for a WMD programme”.⁵⁷

134. In his press conference, Mr Blair stated that Saddam Hussein was, “without any question, still trying to develop” a “chemical, biological, potentially nuclear capability”; and that to allow him to do so would be “irresponsible”.

135. Mr Blair announced that the “dossier” setting out the evidence of Iraq’s attempts to develop its “chemical, biological and potentially nuclear capability” would be published in the “next few weeks”.

136. Mr Campbell wrote that the hardest question to answer was “Why now?”

137. On 3 September, in his Sedgefield press conference, which lasted 90 minutes, Mr Blair stated:

“... I think I would be right in saying that many of your questions will be on Iraq ... I sense that some of you believe we have taken all the key decisions but just haven’t got round to telling you. That isn’t the case ... We, at every level of government, have been and remain in close dialogue with the United States of America about this issue and where we are in absolute agreement is that Iraq poses a real and unique threat to the security of the region and the rest of the world. But Saddam Hussein is continuing in his efforts to develop weapons of mass destruction ... We have to face up to it, we have to deal with it and will. The issue is then what is the best way of proceeding.”⁵⁸

138. A number of questioners pointed out that public opinion had moved against the idea of a strike against Iraq “partly because people feel that there hasn’t been much evidence ... We have heard again and again that there is a dossier of evidence about Saddam Hussein’s weapons of mass destruction. Why haven’t we got it up to now and when are we going to see it?” Would there be any evidence in the dossier which had been “gleaned in the last four years” that Saddam Hussein had “moved any further down the route to nuclear weapons? There were suggestions that there was “not going to be much new”; and that, in terms of public opinion, there was “a mountain to climb”.

139. In response to the first question, Mr Blair replied:

“Originally I had the intention that we wouldn’t get round to publishing the dossier until we’d actually taken the key decisions. I think it is probably a better idea to bring that forward.”

⁵⁷ Minute Gray to Ricketts, 3 September 2002, ‘Iraq: Containment: Query from No.10’.

⁵⁸ The National Archives, 3 September 2002, *PM press conference* [at Sedgefield].

140. Mr Blair added: “A lot of the work has already been done, there needs to be some more work and some more checking” but “the best thing to do is to publish ... within the next few weeks”. When that happened:

“... people will see that there is no doubt at all the United Nations resolutions that Saddam is in breach of are there for a purpose. He [Saddam Hussein] is without any question, still trying to develop that chemical, biological, potentially nuclear capability and to allow him to do so without any let or hindrance, just to say, we [sic] can carry on and do it, I think would be irresponsible.”

141. In terms of the specifics of Iraq’s WMD, Mr Blair made a number of comments including:

- “... there is no doubt that at some point the Iraqi regime were trying to develop nuclear weapons ... I believe that there is evidence that they will acquire nuclear weapons capability if they possibly can.”
- “Now we will provide what support we can for that, although of course the absence of inspectors ... means there is necessarily a limit. But I don’t think we should be in any doubt about the nature of this regime, they will acquire whatever weapons they possibly can.”
- “Certainly they were trying to obtain a nuclear weapons capability. I think there is some evidence that they continued to do so.”
- “... [W]e don’t really know what is happening now, there are huge amounts of stocks of chemical, biological weapons unaccounted for.”
- “... [W]e can’t be quite sure what is happening on the nuclear side ... but on the biological and chemical weapons side there is no doubt about it, there are vast stocks of these weapons unaccounted for by the previous weapons inspectors.”
- “And in addition there is real concern that there is ballistic missile technology.”

142. Mr Blair suggested that the reason Iraq might not be letting inspections take place was because “the last time the inspectors were in there, they uncovered so much that the Iraqi regime was deeply embarrassed”. He also argued that people would “think about it differently once they see the evidence”.

143. Mr Campbell wrote in his diary on 3 September:

“The hardest [question] was: ‘Why now? What was it that we knew now that we didn’t before that made us believe we had to do it now?’ It was not going to be at all easy to sell the policy in the next few months ...”⁵⁹

⁵⁹ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

144. Mr Campbell added that announcing the publication of the dossier would “raise expectations massively. Today was about beginning to turn the tide of public opinion and it was going to be very tough indeed.”

145. The Inquiry asked Mr Blair for a statement addressing whether, before his press conference in Sedgefield, he had refreshed his memory in relation to the 15 March 2002 JIC Assessment, ‘The Status of Iraqi WMD Programmes’.⁶⁰

146. In his statement, Mr Blair wrote:

“The basis for the statements I made on the issue of Saddam and WMD were based, of course, on the JIC Assessments and on the whole history of Saddam and WMD going back over many years, including his use of chemical weapons, the findings of previous UN inspectors, his well documented attempts at concealment.

“... [F]or my press conference at Sedgefield ... I requested and received a special briefing from the FCO. I would probably also have re-read the JIC report of 15 March 2002 and the list of unaccounted for items from the UNSCOM reports. I draw attention to the first part of the [FCO] briefing of 2 September 2002, in particular to the reference that ‘we believe that Iraq has recently accelerated its weapons programme’; ‘increased nuclear procurement’; and to the fact that UN inspectors in 1998 ‘were unable to account for thousands of tonnes of so-called precursor chemicals’.”⁶¹

147. As Section 4.1 sets out, the decision to produce a document for publication setting out the facts on WMD in relation to countries of concern, including Iraq, was taken in mid-February 2002 and was briefed to the press shortly thereafter.⁶²

148. Speculation about the publication of a document on Iraq’s WMD and its significance in relation to a decision about military action against Iraq had continued throughout the spring and summer of 2002.

149. On 16 July, No.10 decided to put publication on hold and that further decisions would be needed on its precise form.⁶³

150. On the same day, Mr Blair had told the Liaison Committee that if policy on Iraq moved into a new phase, a document would be published.⁶⁴

⁶⁰ Inquiry request for a witness statement, 13 December 2010, Q3(a) page 2.

⁶¹ Statement, 14 January 2011, page 4.

⁶² *The Observer*, 24 February 2002, *Blair and Bush to plot war on Iraq*.

⁶³ Minute Manning to McKane, 16 July 2002, ‘Iraq: Public Documents’.

⁶⁴ Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Q 87-88.

151. Asked what had led to his change of mind in early September and the decision to publish the dossier, Mr Blair told the Hutton Inquiry:

“What changed was really two things which came together. First ... there was a tremendous amount of information and evidence coming across my desk as to the weapons of mass destruction and the programmes ... that Saddam had.

“There was also a renewed sense of urgency, again, in the way that this was being publicly debated ...

“President Bush and I had a telephone call towards the end of that [August] break and we decided ... we really had to confront this issue, devise our strategy and get on with it and I took the view ... that we really had to disclose what we knew or as much as we could of what we knew.”⁶⁵

152. Mr Blair added: “The aim of the dossier was to disclose the reason for our concern and the reason why we believed this issue had to be confronted.”

153. Sir David Manning told the Inquiry that Mr Blair:

“... wanted to publish information as he saw it was because he thought it was important that the public were as aware as possible of the pressures that he had seen coming across his desk.”⁶⁶

154. Mr Campbell told the Inquiry that the decision to bring forward the publication of the dossier was a way of trying to calm the situation.⁶⁷ Mr Blair had wanted “to set out for the public, in as accessible a way as possible, the reasons why he had become more concerned” about Iraq.

155. In his memoir, published in 2010, Mr Blair wrote:

“One other rather fateful decision was taken at that time. Reasonably enough, people wanted to see the evidence on Saddam and WMD. This evidence was contained in intelligence. It was not practice, for obvious reasons, to disclose intelligence. We decided we had to do it. Many times afterwards, I regretted the decision. The ‘dossier’, as it was called, later became the subject of the most vicious recrimination and condemnation. In reality, it was done because we could see no way of refusing it, given the clamour for it. The very unprecedented nature of it was, however, part of the problem. Both opponents and supporters of the war were urging us to share with the public the evidence we had.”⁶⁸

⁶⁵ The Hutton Inquiry, public hearing, 28 August 2003, pages 2-3.

⁶⁶ Public hearing, 30 November 2009, page 64.

⁶⁷ Public hearing, 12 January 2010, pages 66-67.

⁶⁸ Blair T. *A Journey*. Hutchinson, 2010.

156. In his memoir, published in 2012, Mr Straw wrote:

“Earlier in the summer there had been a mounting and understandable clamour for more and more explanation about why we and the US were now taking the threat from Iraq so much more seriously than we had before 9/11. People assumed we must know much more than we were letting on. Through the CIA [Central Intelligence Agency], SIS and the other agencies, we did ... have access to what we believed to be reliable intelligence about Saddam’s continuing intentions in respect of his banned weapons. The mistake we made – on both sides of the Atlantic – was to believe that the best way to respond was to include a declassified summary of some of the intelligence in the dossier.”⁶⁹

157. Mr Blair’s announcement galvanised thinking on the draft Iraq dossier.

158. On 2 September, in response to a discussion with Mr Rycroft about “the need for a capping piece for the Iraq dossier currently sitting on the shelf”, Mr McKane provided a draft, which set out “the argument for effective action against Saddam Hussein”.⁷⁰

159. Mr McKane concluded:

“If you or David think the draft is worth developing and refining, the next step would be for me to circulate it ... We should also, as you and I agreed, be considering whether there is more up to date material which could be incorporated in the dossier itself.”

160. The draft referred to the general threat from the spread of chemical and biological weapons and stated that Saddam Hussein’s regime was a “particularly dangerous example” of that general threat because of “his track record and his continuing flouting of international norms of behaviour. That is why it is so important to deal now with the threat he represents.”

161. The draft also stated:

- Since 1998, the UN had “tried repeatedly to persuade Saddam to comply” with his obligations, but he had sought “At every turn ... to divert attention from his failure to comply.” The “only reasonable explanation” for that “prevarication” was that “he has something to hide, something he is unwilling to give up”.
- “... [W]e cannot wait for ever for the right answer from Saddam, when all the time he is engaged in work on weapons which could threaten our [sic] own population and certainly the population of his neighbours. If we were to do so, particularly after 11 September, and our patience were to be rewarded with another devastating attack, we would rightly be castigated for our inaction.”

⁶⁹ Straw J. *Last Man Standing: Memoirs of a Political Survivor*. Macmillan, 2012.

⁷⁰ Minute McKane to Rycroft, 2 September 2002, ‘Iraq’.

- The facts in the dossier “as a whole” presented a picture of a regime which was “so opposed to international norms of behaviour that it must be confronted effectively now”.

162. Mr Rycroft suggested that Mr McKane should develop the draft.⁷¹

163. Sir David Manning wrote: “Yes. Let’s see what the response is.”⁷²

164. In his statement for the Inquiry, Mr McKane wrote that Mr Blair:

“... had decided the dossier should be ready for publication within weeks, in order to explain publicly why effective action had to be taken to counter the threat posed by Iraq. This is brought out in the draft ‘capping piece’ which I sent to Matthew Rycroft ...”⁷³

165. Asked about the origins of the capping note, Mr McKane told the Inquiry that it “followed an exchange with either Sir David Manning or Matthew Rycroft in which we agreed that the draft needed something ... which would encapsulate the main points”.⁷⁴

166. Mr McKane subsequently stated:

“I suppose what I was doing was trying to answer the question: why should we take action now? So it is related to the shift in approach that was marked by the meeting on 23 July and the greater sense of pace and urgency that was injected thereafter.”⁷⁵

167. Following the Sedgefield press conference, Dr Michael Williams, Mr Straw’s Special Adviser, wrote to Mr Straw reporting that the Director of the International Institute for Strategic Studies (IISS) had informed him that it would be publishing its dossier on the threat posed by Iraq’s possession of weapons of mass destruction and past practices of deception in relation to UN inspections.⁷⁶ Dr Williams thought that it would “be helpful in moving towards a more informed debate about Iraq which is long overdue”.

168. Commenting on the draft UK dossier, Dr Williams wrote that he shared many of Mr John Williams’ views:

“The text I’ve seen is not significantly different from one I saw in late Spring.

“It is certainly not a ‘killer’ dossier. The material is often poorly presented and would benefit from professional editing to make it a sharper assessment.

⁷¹ Manuscript comment Rycroft to Manning, 3 September 2002, on Minute McKane to Rycroft, 2 September 2002, ‘Iraq’.

⁷² Manuscript comment Manning to Rycroft, 3 September 2002, on Minute McKane to Rycroft, 2 September 2002, ‘Iraq’.

⁷³ Statement, 8 December 2010, page 5.

⁷⁴ Public hearing, 19 January 2011, page 83.

⁷⁵ Public hearing, 19 January 2011, page 84.

⁷⁶ Minute Williams [Michael] to Straw, 3 September 2002, ‘Iraq Publication’.

I am surprised that we do not have stronger material ... We need, I believe, to regard the publication of the strongest material as a political imperative.”

169. Mr McKane wrote to Mr Stephen Wright, FCO Deputy Under Secretary Defence and Intelligence, on 4 September asking the FCO to renew the chapters in the dossier it had produced on ‘Human Rights Abuses’ and the ‘History of Weapons Inspections’ to “ensure they are as up to date and hard hitting as possible”.⁷⁷

170. Mr McKane stated that Mr Scarlett had “already started work to refresh the WMD chapter” and asked for comments on the draft capping piece.

171. Sir David Manning replied:

“This looks good.

“Let’s point out that there has been no monitoring since 1998 when the inspectors were expelled in violation of UNSCRs.”⁷⁸

172. The Assessments Staff had already sought more information from the DIS.⁷⁹

173. The DIS provided additional material on:

- missile numbers on 4 September;⁸⁰
- “Nuclear Weapons” on 5 September;⁸¹
- WMD funding on 6 September;⁸² and
- chemical facilities on 6 September.⁸³

The FCO position on the problem posed by Iraq

174. The FCO was also developing a script addressing why the problem of Iraq’s WMD, unlike the programmes of other countries, including Iran, could not be resolved through containment and diplomacy.

175. The argument relied on Saddam Hussein’s past behaviour and his continuing refusal at that time to admit weapons inspectors as required by resolution 1284 (1999).

⁷⁷ Minute McKane to Wright, 4 September 2002, ‘Iraq: The Dossier’.

⁷⁸ Manuscript comment Manning to McKane, 4 September 2002, on Minute McKane to Wright, 4 September 2002, ‘Iraq: The Dossier’.

⁷⁹ Email [1626] [DIS] to [Cabinet Office], 4 September 2002, ‘Iraqi WMD Dossier’.

⁸⁰ Email [1642] [DIS] to [Cabinet Office], 4 September 2002, ‘Iraqi WMD Dossier – Missile numbers’, attaching Minute [DIS], 4 September 2002, ‘Al Hussein Accounting’.

⁸¹ Email [1232] [DIS] to [Cabinet Office], 5 September 2002, ‘Iraq Dossier – Nuc section’.

⁸² Email [1529] [DIS] to [Cabinet Office], 6 September 2002, ‘Iraq Dossier – WMD funding’ attaching Document, [undated], ‘Iraq dossier – Section on Illicit Income Generation and WMD-funding’.

⁸³ Email [1708] [DIS] to [Cabinet Office], 6 September 2002, ‘Dossier’.

176. With its advice to No.10 on “possible UNSCRs and a game plan for securing them” of 4 September, which is addressed in Section 3.4, Mr Straw’s Private Office also provided:

- a “script on why the problem of Iraqi WMD was being treated differently from other WMD programmes”; and
- a “note setting out the broader problem of WMD proliferation and the action we are taking to tackle it”.⁸⁴

177. The script on Iraq’s WMD stated that there were:

“... particular concerns about Iraq’s WMD programmes. Since Iraq’s persistent obstruction forced the UN Inspectors to leave in 1998, Iraq has maintained its chemical and biological weapons programmes, and is developing ballistic missiles capable of delivering them to targets beyond the 150km limit imposed by the UN for defensive systems.”

178. The “key differences between Iraq and other countries such as Iran and North Korea” were that:

- Saddam Hussein had used WMD.
- UNSCOM had uncovered the scale of his programmes.
- Iraq had “been shown to have broken every commitment it has ever made under the NPT [Treaty on the Non-Proliferation of Nuclear Weapons] and BTWC [Biological and Toxin Weapons Convention] (it is not a member of the CWC [Chemical Weapons Convention])”.
- Iraq was “in flagrant violation” of 14 UN Security Council resolutions relating to its WMD and missile programmes, and was in violation of nine of the remaining 13 obligations on other issues.

179. The script added that the UK approaches “to Iraq and to other governments with WMD programmes of concern” were “fundamentally identical”: political and diplomatic engagement. But:

“... in the case of Iraq, the diplomatic route has been constantly obstructed by Saddam’s intransigence and duplicity, and has been blocked altogether since Inspectors left in 1998 – leaving us no alternative but to consider other options.”

180. The note, ‘Proliferation of WMD: The Wider Context’, described the “wider problem of the proliferation of WMD and long-range missiles” and “An additional increased concern since 11 September 2001” that international terrorists would obtain WMD. Iraq, Iran, North Korea, Libya and Syria were identified as “priorities for counter-action ... (as the most likely to pose a threat to the UK, our allies, or deployed UK forces)”.

⁸⁴ Letter Sedwill to Manning, 4 September 2002, ‘Iraq’ attaching Paper ‘Iraq: UNSC Action’ and Note, ‘Proliferation of WMD: The Wider Context’.

181. The note stated:

- The UK was “keen to raise awareness of the WMD and missile threat beyond the US/UK partnership, to draw others into closer co-operation in countering the threat”.
- “[M]ain efforts over the past year” had been directed “at key EU partners – particularly the **French** and **Germans**”.
- The UK was the US “partner of choice in countering WMD and missile proliferation”.
- The US Administration was “clearly more interested in deploying tools at the robust end of the spectrum”, including “direct action”, rather than “diplomatic processes to strengthen the treaty regimes or build wider multilateral consensus against proliferation”.

182. Mr Tim Dowse, Head of FCO Counter-Proliferation Department in 2002, told the Inquiry that, in a paper on counter-proliferation strategy produced in July/August 2002, Iraq was viewed as a priority because it might be “the exception to the broader rule that WMD programmes are generally acquired for defensive purposes”.⁸⁵

183. Mr Dowse added that it had been the political context which made Iraq a priority.

184. In a subsequent private hearing, Sir William Ehrman, FCO Director International Security in 2002, told the Inquiry that the paper, approved by Mr Blair in August 2002, stated:

“In country programme terms, our top CP [counter-proliferation] priorities are:

“Iraq – because its WMD may be the exception to the rule that such programmes are usually driven by defensive needs and, more importantly, are the most likely to be deployed against UK forces and those of our allies.”⁸⁶

185. Asked if the “threat from WMD from Iraq” would have continued to be contained if sanctions had been maintained, Mr Dowse told the Inquiry:

“... the nuclear threat would have been contained and there would have been constraints on his other activities, although we believed he was making progress with missiles, with chemical and biological weapons, despite the constraints.

“The problem was ... we did not have high confidence that the sanctions regime would be maintained ...”⁸⁷

186. Mr John Williams produced advice on a media strategy for Iraq on 4 September.

⁸⁵ Public hearing, 25 November 2009, page 55.

⁸⁶ Private hearing, 14 June 2010, pages 2-3.

⁸⁷ Public hearing, 25 November 2009, page 60.

187. In response to a request from Sir Michael Jay, Mr John Williams provided advice on a media strategy for Iraq on 4 September.⁸⁸

188. Mr Williams advised that there was a lot to be done, but it could be done “with simple arguments and plain language”. Mr Blair’s press conference had shown that the media landscape could be changed “in a way that separates the hard core critics from the doubters who are open to persuasion”. The key would be to “put the burden of the argument on to Iraq and on the critics”:

“Detailed facts will be necessary but not enough.

“We should make the case with conviction ... The tone ... should reflect difficult choices, which on balance leave us no alternative but to protect the peace and stability we have come to take for granted ... The public ... needs to feel it shares a sense of reaching a point where minds have to be made up ... In the end, it will come down to an appeal for the public’s trust that the Prime Minister has got a big judgement right in circumstances where there is no easy answer.”

189. The means of dealing with Iraq were “not yet decided”.

190. Mr Williams set out the elements of a possible argument:

- The Iraqi regime was a “uniquely dangerous example” of a threat to peace.
- Saddam Hussein’s record was “a challenge to the whole international community”.
- The “harsh facts have to be faced, and addressed, whether or not we are able to deal with the threat by asserting the authority of the United Nations, whether or not military force becomes necessary”.
- The threat would not go away, it would “become more dangerous”.
- The events of 11 September 2001 had shown that distant threats could not safely be ignored.
- Saddam Hussein had in the past provided a safe haven for terrorists.

191. There was a “need to stress the general threat Iraq poses to international peace and stability, as well as the direct and specific threat of its WMD being used against us”. Mr Williams also cited Saddam Hussein’s human rights abuses.

192. Mr Williams stated that the “evidence dossier” was:

“... unlikely to be enough by itself to win the argument: it will convince persuadable opinion only if launched in the right environment, framed by a broad case that establishes Iraq as a threat to international peace and security. There is no ‘killer fact’ in the dossier which ‘proves’ that Saddam must be taken on now, or this or that weapon will be used against us.

⁸⁸ Minute Williams [John] to PS/PUS [FCO], 4 September 2002, ‘Iraq Media Strategy’.

“But it does make a convincing case that Iraq has been trying to recruit people for a nuclear weapons programme and to acquire materials usable in such a programme; and that it has been trying to extend the range of some missiles in breach of Security Council resolutions. These are too deeply buried ... there is too long a prologue on what was happening before the inspectors were withdrawn. The dossier should either be re-structured, and perhaps pared down, or have an executive summary.”

193. Mr Williams warned that the exercise would be “counter-productive” if the media was allowed to “trap” the Government “into having to provide ‘proof’ to Appeal Court standards”. The focus should be on an audience that knew we could not have “certain knowledge of what is going on inside a closed tyranny”, but would:

“... take seriously a careful assessment which avoids over-statement and appeals to people to trust the judgement of those taking the decisions ... understand that intelligence is partial, dangerous to acquire and limited in what it is safe to put out in public. If the dossier is judged by these ... standards it will be worth doing.”

194. Mr Williams also addressed the possible timing of publication depending on whether “the UN route” was agreed, and the need for a longer-term strategy for Iraq. He concluded that Mr Blair’s press conference had already had an impact, with a Sky poll showing “48 percent favour military action, with 52 percent against”. This suggested that public opinion was more fluid than the critics believed.

Mr Campbell’s meeting, 5 September 2002

195. Sir David Manning commissioned Sir Richard Dearlove to examine whether SIS had material for inclusion in the dossier.

196. Sir Richard Dearlove told the Hutton Inquiry that Sir David Manning had telephoned him on the morning of 4 September and they had:

“... discussed ... to what extent it would be possible to put intelligence from my service into the public domain; and I said that I thought it would be possible ... but I would insist on grounds of source protection on having the last word in withholding material from publication, if necessary.”⁸⁹

197. In a discussion on 5 September, Sir Richard Dearlove told Mr Straw that SIS had new material for which the sourcing was “strong but indirect” which might be used in the dossier. There might also be a “significant increase of relevant intelligence” before publication of the dossier on 25 September.⁹⁰

198. Sir Richard also told Mr Straw that the draft dossier “was weakened by the JIC doctrinaire approach to its drafting”. It would be “better if SIS made its own in-house judgements on the release of material from sources”. SIS had established a team that

⁸⁹ The Hutton Inquiry, public hearing, 15 September 2003, pages 87-88.

⁹⁰ Minute SIS, 5 September 2002, ‘SOSFCA – Iraq Discussions with C on 5 September’.

was working on the text, which would be speaking to Mr Scarlett about the re-draft (of the dossier) on 6 September.

199. Sir Richard Dearlove agreed that Mr Straw could tell Mr Campbell about the SIS drafting exercise.

200. Mr Campbell wrote in his diaries that Mr Straw told him on 5 September that he had seen Sir Richard, who “had agreed to go through all the relevant material [for the dossier]”.⁹¹

201. Asked what his comment about the draft being weakened by the JIC’s doctrinaire approach had meant, Sir Richard Dearlove told the Inquiry:

“Good question. I mean, the answer is I have seen this reference and I’m not sure. There must be something specific that that refers to. It must be something to do with material from one of our sources and how it was presented. I’m sorry. I mean, I’m sure if you searched long and hard enough in SIS records, we could turn it up, but it would be difficult, I think. I’m really not sure what that is.”⁹²

202. A revised structure for the dossier was agreed at a meeting chaired by Mr Campbell on 5 September, which also decided that Mr Scarlett and Mr Miller would lead the work.

203. Mr McKane wrote to Mr Campbell on 4 September with suggestions for the agenda of the meeting to be chaired by Mr Campbell the next day “to discuss how to take forward” Mr Blair’s decision to publish the dossier.⁹³

204. The suggested agenda comprised:

- “• Timetable for publication
- The shape of the Dossier – ie should all three chapters be published together?
- Arrangements for allowing the US Government the opportunity to comment on our documents
- Press lines to be used in connection with the IISS report to be published on Monday 9 September ...”

205. Mr McKane wrote that he was sending Mr Campbell “the latest version of the Dossier – though John Scarlett’s people are doing further work on the WMD chapter”. Mr Campbell had already been sent the “first draft of a capping piece to answer the question: ‘Why Now?’”

⁹¹ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

⁹² Private hearing, 16 June 2010, page 55.

⁹³ Minute McKane to Campbell, 4 September 2002, ‘Iraq: Public Dossier’.

206. The version of the dossier sent to Mr Campbell was the 20 June draft of the dossier sent to Sir David Manning and others, including Mr Campbell, on 21 June; it did not include the later draft of the WMD paper produced by Mr Scarlett in mid-August.

207. Mr Campbell's meeting on 5 September was attended by Sir David Manning, Mr Scarlett, Mr Miller, Mr McKane, Mr Desmond Bowen, who was about to succeed Mr McKane, Mr Wright, Mr Chaplin, Mr John Williams and Mr Paul Hamill, Communication and Information Centre (CIC).⁹⁴

208. Reporting the outcome of the meeting to Mr Powell, Mr Campbell wrote:

- There would be a “substantial rewrite” with Mr Scarlett and Mr Miller “in charge”.
- The structure would be “as per TB’s [Mr Blair’s] discussion”.
- It had been agreed that there had to be “real intelligence material” in the document.
- Mr Scarlett would take the draft to the US on Friday 13 September.⁹⁵

209. Commenting on the meeting, Mr Campbell wrote that the dossier:

“... had to be revelatory and we needed to show that it was new and informative and part of a bigger case. John Williams ... was offering to write it full time. John Scarlett was clearly aware of the responsibility, he was so serious ... He warned us that there was very little re nuclear.”⁹⁶

210. Following the meeting, Mr Miller recorded the agreement on a revised structure for the dossier, and who would be responsible for action on each of the seven sections:

- Section 1: Background to the bloody nature of Saddam’s regime. How he gained and retains power. **[Action: FCO/MED]**
- Section 2: Saddam’s use of power ... Human rights abuses. **[Action: FCO/MED]**
- Section 3: Short link section covering the international community’s demand to dismantle Iraq’s WMD capability ... to ensure Iraq’s regional ambitions did not cause further instability. **[Action: Assessments Staff]**
- Section 4: Effects of using WMD and ballistic missiles. Why the international community was right to be concerned then and why we are still concerned now. **[Action: Assessments Staff]**
- Section 5: The history of UN weapons inspections. What UNSCOM found? What the Iraqi’s [sic] subsequently admitted. History of concealment and obstruction (including the withdrawal of UNSCOM and the failure to co-operate with UNMOVIC. What remains unaccounted for? **[Action: Assessments Staff]**

⁹⁴ Email McKane to Blackshaw, 5 September 2002, ‘Meeting with Alastair Campbell’.

⁹⁵ Email Campbell to Powell, 5 September 2002, [untitled].

⁹⁶ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

- Section 6: What is the current situation concerning Iraq's WMD programmes? Account of his ... capabilities. New procurement activity and retention of experts. Use of illicit funding and circumvention of 'Oil-for-Food' arrangements. What is the threat posed by Iraq's on-going WMD programmes? **[Action: Assessments Staff]**
- Section 7: Why we cannot continue to rely on containment and why we should act now. Future intentions. **[Action: FCO/MED]**⁹⁷

211. Mr Miller wrote that much of the work was seen as "cutting and pasting" existing material, and that the Communications and Information Centre (CIC) had "offered to ... co-ordinate the various inputs and produce a revised draft of the dossier". That would be discussed at a meeting on 10 September.

212. Mr Sebastian Wood, Counsellor, British Embassy Washington, wrote that Mr Scarlett had told him:

- Mr Blair wanted the paper on "what Saddam has been doing since 1998 and how we currently assess his WMD programmes" to be "as intelligence-rich and convincing in detail as possible", and Mr Scarlett expected to be "able to 'break out' some current intelligence".
- Mr Scarlett would come to Washington with a draft and Sir David Manning wanted the Embassy to tell the US that Mr Scarlett had been "designated" by Mr Blair to take the dossier forward".⁹⁸

213. Mr Williams suggested revising the "capping piece" for the draft dossier.

214. On 5 September, Mr Williams sent Mr McKane a revised version of the draft capping piece for the dossier, which he described as offering "suggestions" on how it might be amended to "make the document easier for Ministers to defend in interviews".⁹⁹

215. Mr Williams' changes included reference to Saddam Hussein's regime being "uniquely" dangerous and that it had a "capacity for aggression". He also described the material in the dossier as "**our best publishable assessment**" of the facts.

216. Mr McKane told the Inquiry that his only recollection of an exchange with Mr Williams on the dossier was of his comments on the draft capping note "which were designed ... to improve the draft and make ... it read better".¹⁰⁰

217. Mr McKane stated that his draft was "overtaken by the decision to move responsibility" for the dossier, from OD Sec to the Assessments Staff when it was decided that it would be "more overtly an intelligence-based document".¹⁰¹

⁹⁷ Letter Miller to Grey [sic], 6 September 2002, 'Iraq: Public Dossier'.

⁹⁸ Minute Wood to Gooderham, 5 September 2002, 'Iraq: Dossier: Scarlett's Visit'.

⁹⁹ Minute Williams to McKane, 5 September 2002, 'Iraq: The Dossier'.

¹⁰⁰ Public hearing, 19 January 2011, page 81.

¹⁰¹ Public hearing, 19 January 2011, pages 82-83.

218. Mr Williams produced a draft executive summary for the dossier over the weekend of 7 to 8 September.

219. Mr Williams wrote to Mr Campbell on 6 September saying that he had spoken to Mr Straw and Sir Michael Jay about the “the media-friendly editorial job that will need to be done when John Scarlett and his team have produced the dossier”.¹⁰² They were “happy” for him “to devote whatever time necessary” to work on the draft and he would be able to work full time on it (from the week beginning 16 September).

220. Mr Williams added that it would, in his view, “be good for the Foreign Office if we could do it that way”. He also offered a press officer with a “very good eye for the kind of material which works with the media”, to work with Mr Scarlett and his team “on producing the right kind of material”.

221. In his statement for the Inquiry, Mr Williams wrote that at Mr Campbell’s meeting on 5 September:

“It was clear that no decision had been taken about who would produce the dossier. John Scarlett said that intelligence had no experience of writing documents for publication and would need the help of a ‘golden pen’. He turned to me. Alastair Campbell did not take this up. At the end of the meeting I asked Alastair what his intention was. He said he was inclined to give the task to the No.10 Strategic Communications Unit.

“When I reported this ... to the Foreign Secretary and Michael Jay, they were clear that the dossier must be produced by the Foreign Office, not No.10, and I should be the ‘golden pen’.”¹⁰³

222. Mr Williams added that he was “still sceptical of the whole idea”, but the “dossier was going to happen”. He was about to accompany Mr Straw to the UN General Assembly in New York, so he asked Mr Scarlett:

“... if he would like to give me the material he intended to use, so that I could show him how to produce it in publishable form. I did this over the weekend. It was a routine job of taking the strongest points and putting them in an executive summary, while taking care to reflect their content accurately, and introducing them with the sort of language that was familiar from speeches and interviews given by ... [Mr Blair and Mr Straw].”

223. Mr Williams stated that the “result was underwhelming”, that there was “nothing much new”, and that his “feeling that this was not a good idea persisted”.¹⁰⁴ He had been “relieved” when he heard that No.10 had decided that Mr Scarlett would write the dossier.

¹⁰² Minute Williams [John] to Campbell, 6 September 2002, [untitled].

¹⁰³ Statement, December 2010, paragraphs 16-17.

¹⁰⁴ Statement, December 2010, paragraph 17.

224. The document which Mr Williams produced was released by the FCO in February 2008 in response to a Freedom of Information request.¹⁰⁵

225. Mr Williams told the Inquiry:

“Some journalists have detected similarity between the shape of my effort and the finished product, but it would have been surprising if an organisation which had never produced a public document [had] not taken some pointers from a professional.”¹⁰⁶

226. Following Mr Campbell’s meeting on 5 September, four drafts of the dossier were prepared and circulated for comment to JIC members and other officials in the FCO, the MOD, the Cabinet Office and the Intelligence Agencies, on 10, 16, 19 and 20 September. Each is addressed later in this Section.

Mr Blair’s meeting with President Bush, Camp David, 7 September 2002

227. In a press conference before the discussions at Camp David Mr Blair stated that Iraq had to be dealt with. The purpose of the meeting with President Bush was to work out the strategy.

228. Mr Blair’s meeting with President Bush at Camp David on 7 September, and the press conference which preceded the meeting, are addressed in Section 3.4.

229. In the press conference, Mr Blair stated:

“The point I would emphasise ... is the threat from Saddam Hussein and weapons of mass destruction, chemical, biological, potentially nuclear weapons capability, that threat is real. We only need to look at the report from the International Atomic [Energy] Agency this morning¹⁰⁷ showing what has been going on at the former nuclear site to realise that. And the policy of inaction is not a policy we can responsibly subscribe to. So the purpose of our discussion today is to work out the right strategy for dealing with this, because deal with it we must.”¹⁰⁸

230. In response to a question, Mr Blair emphasised concern about Iraq’s attempts to develop nuclear weapons and the importance of the IAEA report he had mentioned which showed there was “a real issue that has to be tackled here”. He stated that, on the way to Camp David, he had been reading “the catalogue of attempts by Iraq to conceal its weapons of mass destruction, not to tell the truth ... over a period of years”.

¹⁰⁵ Paper, [undated], [John William’s re-draft].

¹⁰⁶ Statement, December 2010, paragraph 18.

¹⁰⁷ The IAEA issued a press release (IAEA Press Release 2002/11) on 6 September 2002 stating: “With reference to an article published today in the New York Times, the International Atomic Energy Agency would like to state that it has no new information on Iraq’s nuclear weapons programme since 1998 when its inspectors left Iraq. Only through a resumption of inspection ... can the Agency draw any conclusion with regard to Iraq’s compliance with its obligations ... relating to its nuclear activities.”

¹⁰⁸ The White House, 7 September 2002, *President Bush, Prime Minister Blair Discuss Keeping the Peace*.

231. Asked about international support, Mr Blair replied that:

“... people were asking perfectly reasonable questions ... but the one thing no one can deny is that Saddam Hussein is in breach of the United Nations resolutions on weapons of mass destruction ... that that poses a threat not just to the region, because there is no way, if those weapons are used, that the threat would simply stay in the region.

“People understand that. Now we have got to make sure that we work out a way forward that, of course, mobilises the maximum support, but does so on the basis of removing a threat that the United Nations itself has determined is a threat to the whole world.”

232. The British journalists covering the Camp David meeting focused on the WMD dossier.

233. The *Sunday Express* anticipated a “Dossier of Doom”.¹⁰⁹

234. An editorial in the *News of the World* claimed that the dossier would be “as devastating as it is vital”. It would show that “evil Saddam has enough chemical and biological stocks to attack the entire planet, and the missile technology to deliver them”. It would confirm that he is on the brink of nuclear capability. The editorial concluded: “We believe Mr Blair CAN convince us a military attack on Iraq is right. We have faith in our Prime Minister.”¹¹⁰

235. In their meeting, Mr Blair told President Bush that he was in no doubt about the need to deal with Saddam Hussein.

236. Mr Blair also set out the need to build a case to persuade the international community of the threat posed by Iraq, including the potential for fusion of WMD and terrorism.

237. During the discussion with President Bush, Mr Blair set out the need to make a good public case against Saddam Hussein, publishing all the evidence. The UK would publish a dossier. He stated that the US and UK:

“... must build our case, persuading the international community of the nature of the threat. In particular we must get over to our publics the reality that any crisis in the Gulf generated by Saddam would inevitably involve us.”¹¹¹

238. Later Mr Blair stated that there was a need to explain the case for action fully to public opinion: “While insisting that no-one wanted war, we must spell out why we had to act.” That included reminding people of the horrors of Saddam Hussein’s regime.

¹⁰⁹ *Sunday Express*, 8 September 2002, *PM Sets Out Dossier of Doom*.

¹¹⁰ *News of the World*, 8 September 2002, *Blair Will Win The PR Battle*.

¹¹¹ Minute Manning to Prime Minister, 8 September 2002, ‘Your Visit to Camp David on 7 September: Conversation with President Bush’.

239. Mr Blair said there was a:

“... natural reluctance to do difficult things, made worse by ignorance ... of Saddam’s capabilities and intentions. We had to correct this, at the same time answering the legitimate question of why we were taking action now. 11 September [2001] was a powerful argument for dealing with threats before they materialised ... At some point, WMD and terrorism would come together, with appalling consequences, unless we took action.”

240. A plenary meeting between President Bush and Mr Blair and their teams followed the restricted discussion.¹¹²

241. Presentational issues were discussed between officials and in the plenary, including the “Why now?” question.

242. Mr Blair stated that since 1998, there was evidence, including in the 6 September International Atomic Energy Agency (IAEA) report (see previous comment), of continued development of WMD. He also thought that the nature of the Iraqi regime “should become part of our case on WMD”; and that: “We needed an active strategy to take the debate to the rest of the world.” He set out the UK’s plans to publish the dossier within a few weeks.

243. Mr Campbell emphasised the need for people “to understand what BW actually did”; and that the “media threshold would be high, so the dossier would need to include new facts from the last four years”.

JIC Assessment, 9 September 2002

244. On 9 September, the JIC issued an **Assessment of Iraq’s possession of chemical and biological weapons and possible scenarios for their use.**

245. The **Assessment contained a number of significant changes which strengthened previous JIC judgements on Iraq’s possession of chemical and biological weapons and the likelihood of their use.**

246. In response to the request from Sir David Manning for advice on the possible scenarios for Iraqi use of chemical and biological weapons, the JIC commissioned an Assessment.¹¹³

247. The Assessment was discussed in “an informal CIG [Current Intelligence Group] of experts” and then considered by the JIC on 4 September.

¹¹² Letter Rycroft to Sedwill, 8 September 2002, ‘Prime Minister’s Meeting with Bush, Camp David 7 September: Public Presentation of Iraq Policy’.

¹¹³ Minutes, 4 September 2002, JIC meeting.

248. A number of key points were made in the JIC discussion:

- “Once finalised it [the Assessment] would be of immense interest to Ministers and officials, and would help to underline the importance and seriousness of the threat Iraq posed with these weapons. The fact that Saddam Hussein possessed these capabilities, and that he showed every sign of being prepared to use them, was significant.”
- “Another important message, which needed to be brought out more clearly in the draft, was that if the chips were down, and Saddam believed his regime to be under real threat of extinction, nothing was going to deter him from using such weapons. Readers of the paper needed to be reminded of Saddam’s unpredictability, and of the fact that his thought processes did not work in a recognisably Western rational and logical way.”
- “The draft should also distinguish more clearly between the three different ways in which Iraq might use its offensive chemical or biological capabilities: in weaponised form against military targets; in an unconventional attack on military targets; or as part of a sponsored terrorist attack aimed at spreading fear and influencing public attitudes”.
- “[S]ince the draft had been written and circulated, an important and valuable supply of new intelligence had been received, from a variety of sources, judged by the producers to be reliable and authoritative. The draft needed to ... include this intelligence with an expert assessment of its significance.”
- “It [the Assessment] also needed to be clearer which of its judgements were based on firm intelligence, which were based more on informed assessment or interpretation, and where the major gaps in the UK’s knowledge and understanding of Iraq’s capabilities remained.”
- “It was possible that further insights from intelligence would be forthcoming in the relatively near future. These might not only inform any future Assessments but might also need to be reflected somehow in the dossier on Iraq’s weapons of mass destruction programmes that was being prepared for publication.”

249. Mr Scarlett proposed that the paper should be revised to reflect the discussion and then reviewed “at working level by the relevant experts”. Once that was done, the paper would be issued in its final form.

250. The Key Judgements of the JIC Assessment of 9 September stated:

- “Iraq has a chemical and biological weapons capability and Saddam is prepared to use it.
- 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.
- The use of chemical and biological weapons prior to any military attack would boost support for US-led action and is unlikely.

- Saddam is prepared to order missile strikes against Israel, with chemical or biological warheads, in order to widen the war once hostilities begin.
- Saddam could order the use of CBW weapons in order to deny space and territory to Coalition Forces, or to cause casualties, slow any advance, and sap US morale.
- If not previously employed, Saddam will order the indiscriminate use of whatever CBW weapons remain available late in a ground campaign or as a final act of vengeance. But such an order would depend on the availability of delivery means and the willingness of commanders to obey.”¹¹⁴

251. The Assessment stated that it had taken “account of new intelligence that has recently become available on Iraq’s intentions”. Unusually, it stated explicitly that it had “an intelligence cut off point of 4 September”.

252. To provide context, the Introduction to the Assessment stated:

“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.”

253. The JIC added:

“Iraq used chemical weapons on a large scale during the Iran/Iraq War. Use on the same scale now would require large quantities of chemical weapons and survivable delivery means in the face of overwhelming US air superiority. Iraq did not use chemical weapons during the [1991] Gulf War. Intelligence suggests that Iraq may have used the biological agent, aflatoxin, against the Shia population in 1991. We do not believe that Iraq possesses nuclear weapons and there is no intelligence that Iraq is currently interested in radiological dispersal devices.”

254. Other key elements of the Assessment are set out in the Box below.

JIC Assessment, 9 September 2002: ‘Iraqi Use of Chemical and Biological Weapons – Possible Scenarios’

Chemical and biological capabilities

“Based on intelligence on the nature of Iraqi CBW weapons, known delivery means, continuing procurement activity, and experience from previous conflicts”, the JIC judged:

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

¹¹⁴ JIC Assessment, 9 September 2002, ‘Iraqi Use of Chemical and Biological Weapons – Possible Scenarios’.

- “following a decision to do so, Iraq could produce significant quantities of mustard agent within weeks ... [and] the nerve agents sarin and VX within months (and in the case of VX ... may have already done so)”.
- Production of VX and sarin would be “heavily dependent on hidden stocks of precursors, the size of which are unknown”.
- Iraq could produce “more biological agents within days”.
- “the commencement of large-scale production of chemical and biological agents would probably go undetected, and a decision to do so may already have been taken. The location of production facilities is unknown.”
- Even if stocks of weapons were “limited”, that would “allow for focused strikes against key military targets or for strategic purposes (such as a strike against Israel or Kuwait)”.
- Iraq “could deliver CW and BW agents by a variety of means including free fall bombs, airborne sprays, artillery shells, mortar bombs and battlefield rockets”.
- Iraq had told UNSCOM that it had “filled 25 warheads with anthrax, botulinum toxin and aflatoxin” for the Al Hussein missile and “developed 50 chemical warheads” for the missile.
- Iraq retained “up to 20 Al Hussein and a limited number of launchers”.
- “One intelligence report suggests that Iraq has ‘lost’ the capability to develop warheads capable of disseminating chemical and biological agent and that it would take six months to overcome the ‘technical difficulties’”.
- “an emergency operational capability with conventional warheads” was “probably available” for the Al Samoud and Ababil-100 short-range ballistic missiles.
- “Iraq may have other toxins, chemical and biological agents we do not know about”.
- “the effectiveness of any CBW attack would depend on the method of delivery, concentration of the target, dissemination efficiency, meteorological conditions and the availability of suitable defensive counter measures”.

“Other recent intelligence” indicated that:

- production of chemical and biological weapons is taking place;
- 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;
- Iraq has learned from the Gulf War the importance of mobile systems that are much harder to hit than static sites. Consequently 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;
- 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.”

Intentions for use

“Intelligence indicates that Saddam has already taken the decision that all resources, including CBW, be used to defend the regime from attack. One report states that Saddam

would not use CBW during the initial air phase of any military campaign, but would use CBW once a ground invasion of Iraq has begun. Faced with the likelihood of military defeat and being removed from power, we judge that it is unlikely there would be a way to deter Saddam from using CBW.”

The JIC judged that “several factors could influence the timing of a decision ... to authorise the use of CBW weapons”:

- the availability of stocks of CW and BW agents;
- the survivability of ... delivery means ... Once a military campaign is under way the pressure will increase to use certain assets before they are destroyed;
- the survivability of command and control mechanisms ... Intelligence indicates that Saddam’s son Qusay may already have been given authority to order the use of CBW ... Saddam may ... specify in advance ... the specific conditions in which unit commanders should use these weapons e.g. once Coalition Forces have crossed a particular geographical line;
- the reliability of the units ... Late in any campaign commanders may not be prepared to use CBW if they judge that Saddam is about to fall.”

The JIC also examined **possible scenarios** for the use of CBW weapons.

- **Before a conflict** – The JIC stated that the aim “would be to incapacitate or kill Coalition troops in their concentration areas. Intelligence indicates that ... Bahrain, Jordan, Qatar, Israel and Kuwait” had been identified as targets. “Turkey could also be at risk. Both chemical and biological weapons could be used ... But the use of CBW weapons carries serious risks and Saddam will weigh up their military utility against the political costs. Use ... would expose the lies and deception ... The early, widespread use of CBW or non-lethal agents would affect Coalition military planning ... On balance however we judge that the political costs of using CBW weapons would outweigh the military advantages and that Saddam would probably not use CBW ... pre-emptively.”
- **During the ground phase** – “There is no intelligence on specific Iraqi plans for how CBW would be used in a conflict. Large numbers of chemical munitions would need to be used to make a battlefield impact. BW could also be used although it is less effective as a tactical weapon ... But the use of even small quantities of chemical weapons would cause significant degradation in Coalition progress and might contribute to redressing Coalition conventional superiority ... Iraq could make effective use of persistent chemical agents to shape the battlefield ... by denying space and territory to Coalition Forces. Booby-traps and improvised explosive devices could be used ... to inflict local losses in urban areas. It is also possible that Saddam would seek to use chemical and biological munitions against any internal uprising; intelligence indicates that he is prepared to deliberately target the Shia population. One report indicates that he would be more likely to use CBW against Western forces than on Arab countries.”
- **Drawing Israel into the conflict** – “... One intelligence report suggests that if Saddam were to use CBW, his first target would be Israel. Another ... suggests that Iraq believes Israel will respond with nuclear weapons if attacked with CBW or conventional warheads. It is not clear if Saddam is deterred by this threat or judges it to be unlikely in the face of US pressure on Israel not to take such a course of action.”

- **Unconventional use of CBW** – “Although there is no intelligence to indicate Iraq has considered using chemical and biological agents in terrorist attacks, we cannot rule out the possibility. [...] Saddam could also remove his existing constraints on dealing with Al Qaida ... Intelligence indicates that Saddam has specifically commissioned a team of scientists to devise novel means of deploying CBW.”
- **“At the death”** – “In the last resort Saddam is likely to order the indiscriminate use of whatever chemical and biological weapons remain available to him, in a last attempt to cling on to power or to cause as much damage as possible in a final act of vengeance. If he has not already done so by this stage Saddam will launch CBW attacks on Israel. Implementation of such orders would depend on the delivery means still available, the survivability of the command chain and the willingness of commanders to obey.”

255. The JIC acknowledged that much of the Assessment was “necessarily based on judgement and assessment”.

256. The Butler Report highlighted that the new judgements relied heavily on inferences made by the JIC in its assessment of recently received intelligence reports.

257. Mr Scarlett told the Hutton Inquiry that the Key Judgements in a JIC Assessment:

“... represent the formal view of the JIC on the central questions which are being considered in the Assessment itself. They are not a summary of the main points in the text. They are a bringing together and drawing on existing JIC Assessments, a wide body of information which may be outside, much of it open source, secret intelligence, in addition, and other relevant factors, such as past behaviour, past actions and so on.”¹¹⁵

258. In response to the Intelligence and Security Committee (ISC) report in February 2004, the Government stated that the purpose of the Key Judgements section of JIC Assessments was “to highlight the judgements to be drawn from the intelligence assessed”; it was “not intended to be a summary of the main facts in the paper”.¹¹⁶

259. The Butler Report stated that the JIC Assessment of 9 September “was prepared in parallel with the Assessment of 21 August”, and that:

“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.”¹¹⁷

¹¹⁵ The Hutton Inquiry, public hearing, 23 September 2003, pages 79-80.

¹¹⁶ *Government Response to the Intelligence and Security Committee Report on Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, 11 September 2003, Cm6118, February 2004, paragraph 7.

¹¹⁷ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 294.

260. The first Key Judgement stated:

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

261. The Butler Report commented:

“The JIC made clear that much of the [9 September] 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.”¹¹⁸

262. Sir John Scarlett explained to the Inquiry that the “relationship between collection, dissemination, comment, analysis, assessment and then policy-making was a subtle one”.¹¹⁹ Intelligence reports were issued by the collection agency and there was the possibility for that agency “to make a comment on the report and very often put it into context compared with what other reports have said on a given subject”. Reports were then issued to customers across government “particularly ... in the Defence Intelligence Staff who are ... an important body of analysts”. Those customers played a role in the Current Intelligence Groups, but it was the job of the Assessments Staff to bring it all together into a “big picture assessment”.

263. Sir John Scarlett stated that the 9 September Assessment had a “separate judgement on the capabilities which existed”; and that it was not intended to be a worst case scenario. The change was the firm judgement on Iraq’s current possession of agents and weapons which:

“... referred to recent intelligence on the production of weapons now taking place, the development of mobile systems and then, importantly, on the regime and Saddam’s intent. The great importance that he attached to the possession of chemical and biological weapons and his readiness to use them if necessary, including to defend the regime from attack.

“He saw possession as a central feature of his regional power position and continued ability to project influence.

“That intelligence on intent was significant – taken to be significant.

“It was also noted that we did not know specific plans for CBW use in the event of conflict, the location of production facilities, the size of stocks.”¹²⁰

¹¹⁸ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 304.

¹¹⁹ Public hearing, 8 December 2009, pages 17-18.

¹²⁰ Public hearing, 8 December 2009, pages 39-40.

264. Addressing the judgements that had been reached, Sir John Scarlett stated that it was “not at all unusual for an intelligence base behind judgments to be limited or described as sporadic and patchy”. The intelligence received in September was:

“... judged against a set of standing judgments from the past which I’d been at pains to point out were already quite strong ...”¹²¹

265. Sir John subsequently stated: “We thought there was a sound intelligence base, and we had a firm judgment. That’s the point I want to make.”¹²²

266. Mr Miller added:

“The discussion on 4 September at the JIC really was one that gelled with the very firm view amongst the community about both the possession and the readiness to use, on Saddam’s part, these weapons.

“We went away, in the light of that discussion, and wrote the paper which is the final Assessment and expressed those views really quite specifically and as very firm judgments which did, I think, pin down the view of the JIC community at that point. It was the moment which sticks with me as being quite an important one in terms of the arrival of new intelligence, and the precipitation of a discussion in the JIC which led to a very firm expression of the judgments it had reached on both possession and intent.”

267. In response to a question about the categorical nature of the Key Judgements in comparison with the detailed text in the 9 September Assessment, Sir John Scarlett emphasised the importance of the distinction to be drawn between the strength of the intelligence base on which an Assessment drew and the firmness of the JIC’s Key Judgements; and that the JIC had, in September 2002, made “quite firm judgements” despite the limitations in the intelligence.¹²³

268. Mr Miller told the Inquiry that the document discussed by the JIC on 4 September:

“... wasn’t a full JIC Assessment, and it was full of ... caveated language ...

“In the discussion, the point was made by one of the JIC members that at this stage we should, as a Committee, be very clear on what we were telling Ministers, and there was a view expressed in terms that, despite the caveats in the document prepared by the Assessment Staff, the view was that Saddam did possess the weapons and would be ready to use them, and that was the view that was shared around the JIC table, and which the JIC specifically wanted set out in those terms as the advice that Ministers should read from their intelligence committee.

¹²¹ Private hearing, 5 May 2010, page 42.

¹²² Private hearing, 5 May 2010, page 43.

¹²³ Private hearing, 5 May 2010, pages 85-86.

“So you are absolutely right to distinguish between the body of the paper and the judgements, but it is a distinction which was made consciously and with deliberation.”¹²⁴

269. Sir John Scarlett told the Inquiry that the 9 September Assessment “stayed in place as the confirmed view of the JIC in the months that followed and it didn’t change significantly”.¹²⁵

270. The Assessments Staff and most members of the JIC were not aware at the time of the details of the sourcing chains and that little of the information provided by “reliable sources” was based on first-hand knowledge.

271. In the context of comments on the intelligence underpinning the judgements in the Assessment of 9 September, the Butler Report stated:

“... 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.”¹²⁶

272. Commenting on the Assessment, the Butler Review concluded that:

“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

¹²⁴ Private hearing, 5 May 2010, pages 86-87.

¹²⁵ Public hearing, 8 December 2009, page 41.

¹²⁶ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 304.

reports on Saddam Hussein's intention to use chemical and biological weapons if attacked."¹²⁷

273. The Butler Report stated that the "more definite judgements inside the Assessment" were based on:

"... significant new intelligence in August and September 2002 ... Four reports were received in total, from three sources, which were influential ... The first provided material from a range of original informants reporting via an intermediary to the source.¹²⁸ 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."¹²⁹

274. The Butler Report added:

"The second and third [reports] 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."¹³⁰

275. The fourth intelligence report described in the Butler Report:

"... was a single report, from a reliable and established source reporting a new subsource who did not subsequently provide any further reporting, which was described as '*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."¹³¹

276. Mr Miller told the Inquiry that the intelligence reports were from:

- "one established and reliable source, which was quoting senior Iraqi officers, [...], about the use of CBW";

¹²⁷ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 306.

¹²⁸ "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."

¹²⁹ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraphs 300-301.

¹³⁰ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 302.

¹³¹ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 303.

- “another one of the very well established sources [...] about the determination of the Iraqi regime to have CBW capable missiles, and the reliance on those weapons as being a contributor or an important part of the ability to project power in the region, to establish Iraq as a regional power”; and
- “a reliable source”, “about the use of CBW against the Shia population internally”.¹³²

277. Mr Miller added:

“So there was a body of reporting by September that was talking not about technical details of production, but about an understanding that these weapons were available, and that there was a clear place for them in Iraq’s thinking about how to conduct itself and how to maintain regional influence.”

278. Mr Miller concluded:

“As the Assessment said, the intelligence was patchy. It was sporadic. It didn’t flow through in great volumes routinely, particularly prior to the summer of 2002. But I think the sense of the community was that yes, we are not getting a full picture, but we are getting here a pretty consistent picture, even if it is a rather patchy one, sufficient to inform these judgements, but certainly as additional intelligence came through in the course of 2002, the sense was that that did then begin to provide a weightier basis for reaching the conclusions that were set out in September.”¹³³

279. Asked about the sources, their background and reliability and whether they were providing hearsay evidence, Mr Miller explained:

“There were different sources. In the Assessment Staff we didn’t seek to have expertise in the sourcing of the intelligence. So we relied on rather summary accounts of the sourcing given in the reports, which tended to characterise it as new or established, reliable or not yet proven, and we give some indication of whether the reporting was direct or indirect.”

280. Mr Miller told the Inquiry that reporting which influenced the Assessment came from six new reports, “from apparently solid sources”.¹³⁴

281. Sir John Scarlett stated that “at the time, the separation of the different streams of reporting wasn’t always clear to the Assessment Staff”, and that:

“... with the slight benefit of hindsight, I can say now that essentially we are talking about three different streams of reporting ... which were coming through

¹³² Private hearing, 5 June 2010, page 11.

¹³³ Private hearing, 5 June 2010, page 12.

¹³⁴ Private hearing, 5 June 2010, page 15.

in a two-week period at the time the 9 September Assessment was being prepared and discussed.”¹³⁵

282. Sir John stated that:

- the source who had produced “the 45-minute report as well”, was “an established and reliable reporting [source], but reporting from a line of ... named sub-sources”; and
- that source “was quoting his knowledge” and had been “speaking in very definite terms about their continued possession [of chemical and biological weapons]”.¹³⁶

283. The “45 Minute” report “quoting the sub-sources on the intention to use [CBW]” was withdrawn on 28 September 2004 (see Section 4.3).¹³⁷ Sir John said he had known “in about May 2004” that there was “a big question mark about that report”.

284. In relation to the production of biological agent, Sir John Scarlett stated that a report in early September:

“... from an established and reliable source ... referred to a ... fermentation system, which ... was judged to be very likely to be a reference to the same general capability and the same focus on mobile production capabilities, and that was referred to in assessments after that as corroboration for the mobile reporting.

“So a lot of weight was placed upon the reporting [...] from that source.”¹³⁸

285. Sir John stated that the reporting on mobile production facilities was withdrawn on 29 September 2004.¹³⁹

286. Mr Miller told the Inquiry:

“... we were the recipients of the intelligence on the basis described and we gave weight to those descriptions, but we didn’t try to get underneath the surface of what had led to a conclusion particularly about the reliability of any particular stream.”¹⁴⁰

287. Asked how much the JIC had known about the sources, Mr Miller added:

“Generally not a great deal. From time to time, when there was a particular source which the agencies attached great weight to, there was some briefing given on why they were attaching particular weight to a source. But it was all at a fairly high level of generality, and there was, for the bulk of the reporting, nothing more than the descriptors on the individual reports.”

¹³⁵ Private hearing, 5 June 2010, page 13.

¹³⁶ Private hearing, 5 June 2010, page 20.

¹³⁷ Private hearing, 5 June 2010, page 21.

¹³⁸ Private hearing, 5 June 2010, page 18.

¹³⁹ Private hearing, 5 June 2010, page 21.

¹⁴⁰ Private hearing, 5 June 2010, page 30.

288. Sir John Scarlett added:

“... at that time none of us in the Assessment Staff, including me, knew the details of this sourcing. Nor were we clear how many lines of reporting there were, and I know that because just before the conflict I was asking ... how many lines of reporting are we actually talking about? ...”¹⁴¹

289. The withdrawal, in September 2004, of reporting on Iraq intentions for the use of CBW and earlier reporting on mobile biological production facilities, is addressed in Section 4.3.

IISS Assessment, 9 September 2002

The International Institute for Strategic Studies (IISS) published a dossier, *Iraq's Weapons of Mass Destruction: A Net Assessment*, on 9 September.¹⁴²

In his press statement, the Director of the IISS, Dr John Chipman, said that the IISS objective had been **“to assess, as accurately and dispassionately as possible, Iraq's current WMD capabilities”**.¹⁴³ The task was challenging: **“Iraq made every effort to obscure its past, obstruct dismantlement of its present assets, and retain capabilities for the future.”**

Other comments made by Dr Chipman included:

- UNSCOM's experience showed that no on-site inspections could succeed “unless inspectors develop an imaginative and carefully co-ordinated counter-concealment strategy”.
- UNMOVIC would need “time to develop and refine the unique inspection techniques required” and to develop “considerable field experience to develop the necessary tradecraft to deal with Iraqi obfuscation efforts”.
- The “strength of Baghdad's commitment to possess WMD” was “measurable in part by its efforts to resist unfettered UN inspections”.

The IISS dossier identified the differences in view amongst experts as to whether Iraq was focused on reconstituting its biological and chemical warfare capabilities or was “prepared to risk detection and re-invest massive resources in pursuit of nuclear weapons”.¹⁴⁴ There was, however, “general agreement” that it was “very unlikely to have achieved the ability to produce sufficient fissile material for nuclear weapons”. But if Iraq:

“... were able to acquire sufficient fissile material from foreign sources, it could probably produce nuclear weapons on short order, perhaps in a matter of months. This is based on the plausible assumption that Iraqi designers, working from the 1991 baseline, have been able to complete the preparations for building a nuclear weapon ...”

¹⁴¹ Private hearing, 5 June 2010, pages 30-31.

¹⁴² IISS Dossier, 9 September 2002, *Iraq's Weapons of Mass Destruction: A Net Assessment*.

¹⁴³ IISS Press Statement Dr John Chipman, 9 September 2002, *Iraq's Weapons of Mass Destruction: A Net Assessment*.

¹⁴⁴ IISS Dossier, 9 September 2002, *Iraq's Weapons of Mass Destruction: A Net Assessment*.

The IISS stated that Iraqi acquisition of fissile material was “not a high probability”, but “it has to be seen as a real risk that could dramatically and quickly shift the balance of power”.

The IISS regarded Iraq’s biological weapons programme as “the least understood and accounted for by 1998”. Iraq could “plausibly” have retained substantial quantities of growth media and BW agent. It was “not known for certain” whether Iraq had resumed production of agent, but it seemed “a safe bet that it has, or will, in the face of an impending attack”.

The IISS judged that, from Baghdad’s perspective, biological weapons presented “Iraq’s closest approximation to nuclear weapons as an instrument of deterrence or terror”. But, in practice, “the magnitude of Iraq’s BW threat depends on its delivery capability, which appears limited”.

The IISS stated, however, that even if Iraq had not advanced the designs for missile warheads since 1991, and depending on the agent used and a number of ambient factors, “casualties in an unprotected population could run in the hundreds or even thousands”. If Iraqi aircraft could survive opposing air forces and air defences, delivery by airborne spray devices would be “even more deadly”.

The IISS described Iraq’s chemical weapons arsenal as “better known and less threatening”. It had “probably retained a few hundred tonnes of mustard and enough stable precursors to produce a few hundred tonnes of sarin/cyclosarin and perhaps a similar amount of VX”. It could have mobilised production facilities to produce fresh CW agent, but its current capability probably comprised “hundreds of tonnes of agent ... and perhaps a few thousand munitions”. Before 1991 it had had “thousands of tonnes of agent and tens of thousands of effective munitions”. Iraq had an ability to “deliver chemical warheads on its rocket and artillery pieces, as well as aerial bombs”, but its capability effectively to deliver chemical munitions with missiles or aircraft over longer distances was “questionable”. Unless Iraq had advanced its pre-1991 designs, its ability efficiently to disseminate chemical agent with missile warheads was “extremely limited”.

The IISS concluded that Iraq most likely had a small force of ballistic missiles, “perhaps a dozen or so”, with a range of 650km and capable of delivering CBW warheads.

Finally, the IISS stated:

“As in the past, the threat or use of force may compel Iraq to extend greater co-operation, but signs of weakness and division in the Security Council are likely to invite Iraqi backsliding ...

“Either course of action carries risks. Wait and the threat will grow. Strike and the threat may be used ...”

Confirmation of Mr Scarlett's responsibility for producing the dossier

290. On 9 September, it was confirmed that Mr Scarlett and the Assessments Staff would be responsible for the production of the Iraq dossier.

291. After a discussion with Mr Scarlett, Mr Campbell wrote setting out the process by which the dossier would be produced:

"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.

"The second is that you are working on a new dossier, according to the structure we agreed at the meeting last week, to meet the new circumstances which have developed over recent weeks and months. Therefore, the rush of comments on the old dossier are not necessary or totally relevant. People should wait for the new one which will be more detailed and substantial."¹⁴⁵

292. Mr Campbell wrote that the structure agreed the previous week was "roughly":

- “• why the issue arose in the first place
- why the inspection process was necessary
- the history of concealment and deception
- the story of inspectors, leading to their departure
- the story of weapons unaccounted for, and what they could do
- a section on ballistic missile technology
- CW/BW
- nuclear
- the sanctions regime, and how the policy of containment has worked only up to a point
- illicit money
- the repressive nature of the regime
- why the history ... makes us worried he cannot be allowed further to develop these weapons.”

293. Much of the content of the dossier would be "obviously historical", and that was "a vital part of the overall story". Mr Campbell added:

"The media/political judgement will inevitably focus on 'what's new?' and I was pleased to hear from you and your SIS colleagues that, contrary to media reports today, the intelligence community are taking such a helpful approach to this in going through all the material they have. It goes without saying that there should be nothing published that you and they are not 100 percent happy with."

¹⁴⁵ Minute Campbell to Scarlett, 9 September 2002, [untitled].

294. Mr Campbell also wrote:

“Our public line is that the dossier will set out the facts which make HMG judge Iraq/WMD to represent a real threat. It will be detailed and comprehensive.”

295. Mr Campbell set out the need to avoid leaks and comments to the media which might “talk up the dossier”, adding:

“We should be making clear that even with the intelligence material, the picture can never be a complete one because the inspectors have been out for so long.”

296. “[M]ost of the draft material” would be available later that day, “with the Agencies providing the sections relevant to the middle part of our structure [Iraq’s chemical, biological, nuclear and ballistic missile programmes], and the FCO providing the more historical material”. Mr Scarlett would “want to go through the material before submitting a consolidated draft to No.10 and others”.

297. Mr Campbell would “chair a team”, including officials from the FCO and No.10, who would “go through the document from a presentational point of view and make recommendations” to Mr Scarlett, who would decide whether they would be incorporated in the dossier.

298. Once Mr Scarlett had reached a view on what would be “incorporated”, a “judgement” would be needed on “whether a single person should be appointed to write the final version”.

299. Mr Blair had “expressed an interest in seeing an advanced draft”. The timing and arrangements for the launch of the document, including the involvement of Mr Blair and other Ministers, were to be addressed once an advanced draft of the document was available.

300. Mr Campbell concluded by referring to US intent to produce “a series of dossiers” and wrote that he was “confident” that the UK dossier could complement rather than conflict with them.

301. Mr Campbell’s minute was sent to Mr Straw and Mr Hoon as well as to the intelligence Agencies, Sir David Omand, Security and Intelligence Co-ordinator, and senior officials in the FCO and the MOD.

302. Mr Campbell wrote that he had had a meeting with Mr Scarlett on the dossier before being “joined by three SIS people”, and they had “agreed a process for writing the report”. He and Mr Scarlett had agreed that “the FCO was trying to take it over”, and Mr Scarlett wanted ownership.¹⁴⁶

303. Mr Campbell also wrote that he told Mr Straw that Mr Williams “should be part of the team, not the writer”.

¹⁴⁶ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

304. In a minute to Mr Blair in June 2003 Mr Scarlett wrote that, following Mr Blair's announcement on 3 September, the structure of the dossier had been discussed between Sir David Manning, Mr Campbell and himself and their respective teams.¹⁴⁷ The purpose of the dossier was "to present a more detailed account of Iraqi capabilities to be placed in the wider context".

305. Mr Scarlett added:

"Unlike the previous drafts, it would refer specifically to intelligence material. It was agreed that since this would now be an intelligence-based document I, as JIC Chairman, rather than OD Secretariat would be in charge of the process. These agreements were set out in detail in Alastair's note to me of 9 September ..."

306. Mr Scarlett added that the drafting of the revised document was co-ordinated by Mr Miller, "working with representatives of Departments, including DIS, SIS, GCHQ, and FCO". The draft had been discussed at "two meetings of two to three hours each" and there had been "numerous exchanges of drafts and constant consultation between the experts concerned". The intelligence Agencies had agreed to the involvement of Mr Daniel Puce, a Press Officer in No.10, and Mr Williams and others from the FCO Press Office. JIC members were asked to consult Ministers during the drafting process "as appropriate".

307. Mr Scarlett also wrote:

"The aim was to ensure that the public assessment deployed the intelligence effectively, taking account of the reliability of the information and the demands of source protection."

308. Mr Scarlett told the Hutton Inquiry that he had had a discussion with Mr Campbell before the meeting on 9 September to say that:

"... it was very important that only one person and one unit had ownership and command and control of this exercise, that that should be me, that I wanted it stated clearly in writing; and I wanted that to be the outcome of the meeting ..."148

309. Mr Blair told the Hutton Inquiry:

"... the whole purpose of having the JIC own this document was in order to provide the absolute clarity and certainty ... that in the end they were perfectly happy with this. And I think it was ... it was essential that anything we said ... in the dossier we could hand on heart say: this is the assessment of the Joint Intelligence Committee."149

¹⁴⁷ Minute Scarlett to Prime Minister, 4 June 2003, 'September 2002 Iraq Dossier'.

¹⁴⁸ The Hutton Inquiry, public hearing, 23 August 2003, pages 56-57.

¹⁴⁹ The Hutton Inquiry, public hearing, 28 August 2003, pages 18-19.

Draft dossier, 10 September 2002

310. A DIS record of a meeting held by Mr Miller on 9 September recorded that the DIS had been asked to address a number of points including:

- “the provision of more detail on Iraq’s military capability to use WMD”;
- “the provision of more information on the retention of experts and expertise relating to WMD”;
- “to provide information if possible on the diversion and attempted illicit procurement of dual-use materials and equipment”; and
- “the provision of a timeline for the development of a nuclear weapon by Iraq if it were to acquire fissile material.”¹⁵⁰

311. Mr Scarlett produced a first draft of the new dossier on 10 September which drew on the 9 September JIC Assessment and the recent intelligence reports about Saddam Hussein’s willingness to use chemical and biological weapons. The draft stated that Iraq could deploy such weapons within 45 minutes of the order being given for their use.

312. A first draft of the revised dossier was produced on 10 September and sent to Mr Campbell, Mr Powell, Sir David Manning, Sir David Omand, the Private Secretaries to Mr Straw and Mr Hoon, Mr Desmond Bowen, who succeeded Mr McKane as Deputy Head of OD Sec in the week beginning 9 September, and to Mr John Williams.¹⁵¹

313. Mr Scarlett wrote that he had had “considerable help from John Williams and others in the Foreign Office”. The draft required further work and he could not confirm that he was “content with the overall tone ... and the balance between the main text and the Annexes”, but it had “now reached the stage where it would be useful” to have advice on presentation from Mr Campbell. Mr Williams might also offer further views.

314. Mr Scarlett added that the draft drew “on all the available intelligence identified so far”. He was “most grateful for the co-operation of the SIS, GCHQ and the DIS in constructing the key section on Iraq’s capabilities”; and the drafters continued to “check for any further intelligence for inclusion in the text”.

315. Mr Scarlett concluded by asking recipients to “hold the text very tight” and to “continue to refrain from public reference to its contents”.

316. The draft Foreword drew heavily on Mr Williams’ 5 September revisions to Mr McKane’s draft “capping piece”.

317. The Executive Summary stated that the paper set out the Government’s “knowledge” of Iraq’s programmes to acquire weapons of mass destruction, traced

¹⁵⁰ Minute DIGI to [CDI and DCDI Private Offices and others], 9 September 2002, ‘Iraq Dossier Meeting – 9 Sep 02’.

¹⁵¹ Minute Scarlett to Campbell, 10 September 2002, ‘The Iraq Dossier’.

their history, and, “Drawing on very sensitive intelligence”, set out the assessment of current capabilities and showed how the picture was “continuing to develop as new information becomes available”.

318. Specifically, the Executive Summary stated that recent intelligence had added to the picture of Iraq’s capabilities and indicted that Iraq:

- attached “great importance to the possession of weapons of mass destruction and that Saddam Hussein is committed to using them if necessary”;
- envisaged “the use of weapons of mass destruction in its current military planning and could deploy such weapons within 45 minutes of the order being given for their use”;
- had “begun dispersing its most sensitive weapons, equipment and material because Saddam is determined not to lose the capabilities developed in the last four years”;
- was “preparing plans to conceal evidence of its weapons of mass destruction from any renewed inspections, including by dispersing incriminating documents”;
- had “acquired mobile laboratories for military use, corroborating earlier report[ing] about the mobile production of biological warfare agents”;
- had “purchased large quantities of uranium ore, despite having no civil nuclear programme that could require it”.

319. The draft comprised six sections:

- Saddam Hussein’s regime and his rise to power;
- Saddam Hussein’s wars;
- Iraq’s WMD programme – the threat in 1991;
- The response of the international community;
- The history of UN weapons inspectors;
- Iraqi chemical, biological, nuclear and ballistic missile programmes: the current position.

320. The section on Iraq’s current capabilities stated:

“Intelligence plays a central role in informing government policy towards Iraq’s weapons of mass destruction and ballistic missile programmes. The reports are often very sensitive ... But, taken with Saddam’s record of using chemical weapons and the evidence from UN weapons inspections, the intelligence builds a compelling picture of Saddam’s capabilities.

“This section sets out what we now know ...”

321. Other statements in the section included:

- Iraq could “deliver chemical and biological agents using an extensive range of artillery shells, free-fall bombs, sprayers and ballistic missiles”.
- “Intelligence from reliable and well-informed sources has become available in the last few weeks. This has confirmed that Iraq has chemical and biological weapons and the Iraqi leadership has been discussing a number of issues related to them.”
- “[T]he order to produce ... chemical and biological agents has been given”.
- Intelligence had confirmed that the Iraqi military had acquired mobile facilities to produce biological agent.
- “If Iraq acquired sufficient fissile material from abroad we judge it would take at least two years to make a working nuclear device. However, Iraq could produce an improvised nuclear device within a few months but this would be unreliable.”

322. Addressing the specific issue of the use of intelligence “about the deployability of CBW within 45 minutes”, Mr Scarlett wrote in his minute to Mr Blair in June 2003:

“This intelligence came from a line of reporting judged to be reliable and was consistent with standing JIC judgements it was included by the drafters and approved by the JIC. It’s [sic] inclusion was not suggested by No.10. The report was highlighted in the same terms in a JIC Assessment of 9 September.”¹⁵²

323. Mr Scarlett added that the 9 September Assessment reflected other recently received intelligence and that was “recorded in the dossier under the heading, ‘Recent Intelligence’”.

THE VIEW OF THE JIC

324. The JIC discussed the dossier on Iraq in its meeting on 11 September, including that:

- **the Committee’s authority would lend important weight to the dossier’s content and enhance its impact; and**
- **the dossier needed to “convey accurately but dramatically the rising concern about Iraq’s weapons programmes” and that recent intelligence had shed light on progress since 1998.**

325. Mr Scarlett wrote to JIC members on 10 September asking for comments on an additional section which he had agreed with Mr Campbell “would be considered for inclusion in the ‘dossier’”.¹⁵³ It gave “an account of the JIC assessment of developments in Iraqi WMD programmes since UNSCOM inspectors were withdrawn in late 1998”,

¹⁵² Minute Scarlett to Prime Minister, 4 June 2003, ‘September 2002 Iraq Dossier’.

¹⁵³ Minute Scarlett to JIC Members, 10 September 2002, ‘Iraqi WMD: Public Presentation of Intelligence Material’.

which would “demonstrate that this question has been the subject of continuous assessment throughout the four years and has been brought to the regular attention of the Government”.

326. Mr Scarlett wrote that he “hoped to be able to brief you further at JIC on 11 September” and that he “would particularly welcome your comments on the attachment”, which set out key points from relevant JIC Assessments.¹⁵⁴

327. Mr Scarlett also sent the 10 September draft of the dossier to the members of the JIC on 11 September. Describing it as “very much work in progress”, Mr Scarlett wrote:

“... several sections ... are already being rewritten. Nevertheless, you need to see where we have got to. I would be grateful if you could study the intelligence-related sections ... and let me or Julian Miller have your views by mid-day tomorrow, if not at this afternoon’s JIC. We particularly need advice on any remaining security implications of publishing ... We also need to be sure that overall the balance of the judgements remains consistent with those previously reached by the JIC.”¹⁵⁵

328. A member of the DIS expressed concern about the reference in the draft to Iraq producing an improvised nuclear device (IND).¹⁵⁶

329. The DIS official wrote:

“As I feared, the whole issue of Iraq considering the development of an IND has gained momentum. I would like to delete all mention of INDs in the dossier, but the CO [Cabinet Office] consider it vital to the picture for no sensible reason. Unfortunately an Iraqi JIC paper referred to it (against DI52 advice) and that is being used as a justification. This will probably grow as the dossier is released to the press, with the result that the spotlight will be diverted from the real, important issues. However, this does not concern the CO. If you have a chance to advise CDI [Chief of Defence Intelligence] before this afternoon’s JIC, I would appreciate your support on the removal of all mention of INDs ...”

330. The DIS official stated that he had only agreed language saying that Iraq would not go down this route.

331. There is no mention of INDs in the published version of the dossier.

¹⁵⁴ Minute Scarlett to JIC Members, ‘Iraqi WMD: Public Presentation of Intelligence material’ attaching Draft Paper, ‘Iraq and Weapons of Mass Destruction: Joint Intelligence Committee Assessment’.

¹⁵⁵ Minute Scarlett to JIC Members, 11 September 2002, ‘Iraq WMD: Papers for Public Presentation’.

¹⁵⁶ Email [1331] DIS [junior official] to DIS [junior official], 11 September 2002, ‘Non-existent Iraqi INDs’.

332. A separate email from the same DIS official stated that a member of his team would “not give the idea of an IND time of day” and assessed there were only two scenarios to consider:

“(a) If Saddam still thinks he has time on his side, he will try to develop a nuclear weapon ... Iraq won’t succeed while sanctions are in place, and will take at least five years once sanctions are removed ...

“(b) In the last resort – when his regime and he are about to fall with the US infantry on the doorstep, he will use what ever he can do rapidly – eg indiscriminate spreading of CB agents and toxic chemical ... One point which I believe everyone has missed in the ridiculous debate on INDs is that there will be one obvious last ditch action that Saddam will take in the spirit of torching the oilfields as he retreated in 1991 ... demolish the store of natural and low-enriched yellowcake ... in the southern outskirts of Baghdad .. There is no risk of a nuclear blast ... However ... Saddam would want to play on the irrational fears in Western opinion as he heads for a safe haven. He would, of course, blame ... the US ...”¹⁵⁷

333. The DIS official also provided draft language explaining how difficult nuclear weapons were to make.

334. At the JIC on 11 September, Mr Scarlett explained that his “purpose in circulating the draft, and in tabling it for discussion, was to invite comments on its content. In particular on the question of whether or how best to describe or present the work the JIC had done in the last several years to assess Iraq’s weapons of mass destruction capabilities and intentions.”¹⁵⁸

335. The minutes record that the main points which were made were:

- “a. the part of the draft that looked at what was known or assessed from intelligence was at the heart of the dossier with the potential to have a significant impact. It needed to be as factual as possible, and to convey accurately but dramatically the rising concern about Iraq’s weapons programmes. It needed in particular to emphasise the importance of recent intelligence in shedding light on the progress Iraq had made since 1998, and on Saddam Hussein’s readiness to deploy and use these weapons;
- b. it made good sense both to describe the way that the JIC and the central intelligence machinery had kept Iraq’s weapons of mass destruction programme under regular review, and to outline in the main body of the text what the Committee’s key judgements or messages to Ministers and policy makers since 1998 had been. The Committee’s authority would lend important weight to the dossier’s content and enhance its impact. But on balance, to avoid setting

¹⁵⁷ Email [1132] DIS [junior official] to DIS [junior official], 11 September 2002, ‘Questions from [Assessments Staff junior official]’.

¹⁵⁸ Minutes, 11 September 2002, JIC meeting.

unhelpful precedent, it would be better not to quote directly from specific or identified JIC Assessments themselves.”

336. It was also suggested that it would be a good idea to keep the Intelligence and Security Committee informed of what was proposed.

337. Mr Scarlett invited Mr Miller:

“... to lead on preparing a revised version of the dossier for further comment, to be circulated later in the week. The new draft would in particular describe the impact of recent intelligence and explain the evolution and significance of the JIC’s assessments. The Committee’s agreement to the section of the draft dealing with the intelligence assessment would be sought before the dossier was finalised.”

338. There is no record of any discussion of the substance of specific points in the draft dossier.

339. Sir Richard Dearlove, Sir Francis Richards, Air Marshal Joe French (Chief of Defence Intelligence), Sir David Omand, Sir David Manning, Mr Simon Webb (MOD Policy Director), Mr Bowen, Ms Eliza Manningham-Buller (Deputy Director General of the Security Service), and Mr Mike Grannatt (Cabinet Office Director General, Government Information and Communication Service (GICS)), were among those present at the meeting.

340. In its discussion of the future work programme, the JIC “agreed that there was an increasing appetite for papers on aspects of the Iraqi question”.

341. Mr Scarlett told the Hutton Inquiry that his instructions from the JIC were “to keep what we were writing in line with standing JIC Assessments and also with recent intelligence”.¹⁵⁹

342. Mr Scarlett also stated that the JIC had given its formal agreement to taking on the dossier; and that it had responded with several important points. It wanted the drafters to:

- “... convey the rising level of concern on which the JIC took its view about Iraq’s programmes and development of weapons of mass destruction.”
- “... in particular ... to highlight the progress which was being made since 1998, despite sanctions.”
- “... make it clear the JIC assessment that Iraq was ready to use these weapons.”
- “... take full account of the recent intelligence which had been coming in.”¹⁶⁰

¹⁵⁹ The Hutton Inquiry, public hearing, 23 September 2003, page 159.

¹⁶⁰ The Hutton Inquiry, public hearing, 23 September 2003, page 85.

343. Sir Richard Dearlove told the Hutton Inquiry that he had seen the draft dossier before the JIC meeting, and that it was “normal practice” for him “to be closely briefed” before JIC meetings.¹⁶¹ He added that the process of producing the dossier had been “covered very closely on a day-to-day basis” by an SIS team, and that he had been “kept closely involved”.

344. Asked if any comments from the DIS had been raised on the 45 minutes point at the JIC discussion on 11 September, Sir Richard Dearlove told Lord Hutton on 15 September: “Not that I can recall. It was not raised.”¹⁶²

345. An SIS officer, who was not an expert in the issues addressed in the dossier, sent a colleague unsolicited general views about the draft. The officer questioned the language used in the draft, which he thought needed to be more convincing in answering the questions “Why Iraq?” and “Why now?”. The minute was also sent to senior managers. It was drawn to the attention of Sir Richard Dearlove, by his Private Secretary, before a meeting with Mr Blair on 12 September.¹⁶³

346. Sir Richard Dearlove’s Private Secretary recorded that Sir Richard found the comments useful and timely, and that Sir Richard had drawn on them extensively in his meeting with Mr Blair.¹⁶⁴

347. The meeting with Mr Blair is addressed later in this Section.

OTHER COMMENTS ON 10 SEPTEMBER DRAFT DOSSIER

348. Mr Bowen pointed out that it was unclear what Saddam Hussein intended to do with any weapons of mass destruction and long-range ballistic missiles.

349. Commenting on the draft dossier of 10 September, Mr Bowen wrote:

- “The bit of the jigsaw that doesn’t quite hang together is what Saddam intends to do with the WMD he has been so intent on acquiring. It is one thing to ask the rhetorical question: what could they be used for except making mischief regionally; it is another to be able to point to stated objectives either from the intelligence or public documents. It is, of course, the case that you point to the facts of Saddam’s aggression and repression and use of WMD; perhaps we can make more of this and his unpredictability.”
- “In looking at the WMD sections, you clearly want to be as firm and authoritative as you can be. You will need to judge the extent to which you need to hedge your judgements with ... caveats. I appreciate that this can increase the authenticity of the document in terms of it being a proper assessment, but that needs to be weighed against the use that will be made by the opponents of

¹⁶¹ The Hutton Inquiry, public hearing, 15 September 2003, page 90.

¹⁶² The Hutton Inquiry, public hearing, 15 September 2003, page 94.

¹⁶³ Minute [SIS internal minute], 12 September 2002.

¹⁶⁴ Minute [SIS internal minute], 12 September 2002.

action who will add up the number of judgements on which we do not have absolute clarity.”

- “... [T]here are two key sections ... which will need to be given proper prominence ... Why Are We Concerned and the Conclusions.”
- “I think it would be helpful to draw together the state of advancement of both chemical and biological capability, with military thinking and the delivery means.”
- “It would be helpful if there was more about where ballistic missiles are likely to be targeted rather than what countries are in range.”¹⁶⁵

350. Mr Bowen concluded:

“Finally the question which we have to have in the back of our minds is ‘Why Now?’. I think we have moved away from promoting the idea that we are in imminent danger of attack and therefore intend to act in pre-emptive self defence. The approach is rather that Saddam has failed to abide by the UNSCRs and his flouting of international law and continuing acquisition of WMD cannot be tolerated any longer. This difference is important because the focus shifts to Saddam’s continuing efforts to equip himself with WMD, which is what the evidence shows.”

351. Mr Bowen’s comments on the draft Foreword are addressed later in this Section.

352. Asked whether he had felt under pressure to firm up the judgements in the draft as a result of Mr Bowen’s comments, Mr Scarlett told the Inquiry that he had “no memory” of seeing the document and no action had been recorded on it.¹⁶⁶

353. Mr Sedwill asked the UK Permanent Mission in New York for advice on whether the UK should table the dossier in the Security Council in support of a US resolution on Iraq.

354. In advice for No.10 on 27 August, Mr Straw had addressed a possible draft resolution containing an ultimatum to Iraq to readmit inspectors, and what President Bush might say in his speech to the UN General Assembly on 12 September as part of a wider challenge to the UN to demonstrate that it could tackle the problem of WMD in the hands of rogue states.¹⁶⁷ He suggested that a subsequent Security Council discussion might provide “a peg for publishing via the UN the long-awaited ‘Iraq Dossier’”.

355. On 11 September, Mr Sedwill reported that he had sent the draft dossier to Mr Straw’s “party” in New York, to check whether they think it is along the right lines”.¹⁶⁸ He had also asked Sir Jeremy Greenstock, UK Permanent Representative to the United Nations in New York, to advise on whether any or all of it might be tabled in the Security Council to support the UK intervention when the US tabled their resolution.

¹⁶⁵ Minute Bowen to Scarlett, 11 September 2002, ‘The Iraq Dossier’.

¹⁶⁶ Public hearing, 8 December 2009, pages 58-60.

¹⁶⁷ Letter McDonald to Manning, 27 August 2002, ‘Iraq: Ultimatum’.

¹⁶⁸ Email Sedwill to Gray, 11 September 2002, ‘Dossier 10/9 Version - Comments’.

It is clear from the email that the timing of publication was uncertain, and that Mr Sedwill and Mr Campbell had discussed the possibility of publication in the week beginning 17 September.

356. Mr Sedwill commented that the draft was “much better than earlier drafts” and “could move further in the direction of factual analysis”. The document needed to “set out the problem, rather than the solution”; people “should conclude that for themselves”. He made a number of detailed suggestions for additions and amendments to the draft. His suggestions included:

- The Executive Summary could be “tweaked a bit” to “explain the centrality of WMD” to Saddam Hussein’s rule, for example his projection of power.
- “Crucially”, Section 2 needed to “explain the role of WMD in the political mythology which has sustained the regime, implicitly why giving it up would amount to a change of regime and how responsibility for WMD rests with those parts of the apparatus on which Saddam depends for his own security. People need to understand that for Saddam giving up WMD is not like a British Govt deciding we don’t need Trident any more ...”
- Section 3 should be depersonalised “a bit”, with references to “the regime” rather than Saddam Hussein.
- The effects of chemical and biological agents could be explained “more vividly”.
- Sections 3 and 4 should be combined to “demonstrate more explicitly the link between UNSC [UN Security Council] action and persistent Iraqi obstruction”.
- The history of weapons inspections was “an interesting story and would give the media a better feel for the difficulties they faced and the persistence of the Iraqi obstruction”. It should be expanded.
- Section 6, setting out the detail of Iraq’s programmes, was the “crux” of the dossier and should be as factual as possible.

357. Mr Sedwill subsequently reported that Mr Straw had endorsed his comments and offered a number of additional points.¹⁶⁹

358. Mr Straw’s suggestion that the Foreword should be signed by Mr Blair is addressed later in this Section.

359. A junior official in the UK Permanent Mission to the UN in New York (UKMIS New York) replied that it would “probably be a bit much to deposit the whole report with the Security Council, though we could deposit something like Section 6 if this were felt useful”.¹⁷⁰

¹⁶⁹ Email Sedwill to Gray, 11 September 2002, ‘Iraq Dossier: 10/9 Version – Foreign Secretary’s Comments’.

¹⁷⁰ Letter FCO [junior official] to Sedwill, 12 September 2002, ‘Iraq: The Dossier’.

360. The official also commented that the draft was “a substantial improvement” and suggested adding a number of points, including:

- “Something showing the elaborate Iraqi apparatus of concealment would demonstrate to just what lengths this government is going to keep its hands on WMD”.
- It “would be desirable to give more detail of dodgy procurements ... We need to show the lengths Iraq has been willing to go to get its hands on WMD components”.
- Explaining why Iraq’s unilateral destruction of WMD was of such concern, “ie it allowed Iraq to obscure its WMD stocks and capabilities, eg by claiming to have destroyed more items than was actually the case”.

INSTRUCTIONS FROM NO.10

Mr Blair’s speech to the TUC, 10 September 2002

In the first section of his speech to the Trades Union Congress (TUC) on 10 September, Mr Blair set out the rationale for tackling the problem of Iraq – “why I say Saddam is a threat that has to be dealt with”.¹⁷¹

Mr Blair stated that “when the weapons inspectors were evicted from Iraq in 1998 there were still enough chemical and biological weapons remaining to devastate the entire Gulf region”. He also stated that Saddam Hussein had a nuclear programme, which he had denied and which had been “disrupted” by inspections. He was in breach of “23 outstanding UN obligations requiring him to admit inspectors and disarm”.

361. The Assessments Staff reported that No.10 was understood to want the dossier to be as strong as possible within the available intelligence, subject to it being owned by the Joint Intelligence Committee.

362. On 11 September, Mr Blair wrote to the Speaker of the House of Commons, and to the Lord Chancellor, asking for Parliament to be recalled in the week beginning 23 September (see Section 3.4).¹⁷² Mr Blair wrote:

“By then, important discussions at the UN will have taken place. And the Government will be in a position to publish the dossier on what we know of the Iraqi regime and its WMD programme.”

¹⁷¹ *The Guardian*, 10 September 2002, *Full text of Tony Blair’s TUC address*.

¹⁷² Letter Blair to Martin, 11 September 2002, [untitled].

363. An email from an official in the Assessments Staff at 1pm on 11 September stated:

“We have now received comments back from No.10 ... Unsurprisingly they have further questions and areas they would like expanded.”¹⁷³

364. The official wrote that the “main comments” from No.10 were:

“1. They liked the use of a specific personality ... in the paras on CW. Can we add any more personalities, related to BW, nuclear, BM [ballistic missiles], who are doing jobs now that are suspicious [sic] because of their previous role ...

“2. Is there any intelligence that Iraq has actively sought to employ foreign experts, in particular in the nuclear field?

“3. They want more details on the items procured for their nuclear programme – how many did they buy, what does this equate to in terms of significance to a nuclear programme?

“4. Can we say how many chemical and biological weapons Iraq currently has by type! If we can't give weapons numbers can we give any idea on the quantity of agent available!

“I appreciate everyone, us included, has been around at least some of these buoys before, particularly item 4.”

365. The official concluded:

“But No.10 through the Chairman want the document to be as strong as possible within the bounds of available [sic] intelligence. This is therefore a last (!) call for any items of intelligence that agencies think can and should be included.”

366. In a postscript, the official added:

“[...] we have already discussed the continuing need to say something about Iraq's capability to make INDs [Improvised Nuclear Devices] (as per March JIC paper).”

367. The email was not specific about who in No.10 was being quoted or how the message was conveyed.

368. A series of internal emails within No.10 on 10 and 11 September, some of which were written after the email from the Assessments Staff, discussed the approach to be taken in the dossier.

¹⁷³ Email Assessments Staff [junior official] to “agencies and departments”, 11 September 2002, ‘Iraqi dossier – Questions from No.10’.

369. Mr Pruce commented on 10 September that he thought the dossier should focus on Saddam Hussein as much as possible and use personal witness statements about Saddam's abuses and quotations from Saddam's speeches. He added:

"In the public's mind the key difference between this text and the IISS text will be the access to intelligence material I like the idea of a history of JIC Assessments Might we also include a general statement on the nature of the intelligence services and their role ..."¹⁷⁴

370. On 11 September, Mr Pruce wrote:

"Who will issue the text? Us? The Cabinet Office? Why don't we issue it in the name of the JIC? Makes it more interesting to the media."¹⁷⁵

371. Mr Pruce suggested that:

- The draft should be personalised onto Saddam "as much as possible".
- The aim should be to "convey the impression that ... over the past decade he [Saddam Hussein] has been aggressively and relentlessly pursuing WMD while brutally repressing his own people".
- Wherever there was a reference to weapons, there should be a description of their destructive capacity.

372. Mr Pruce commented that the section on intelligence would be:

"... the one that readers will go to first. This draft already plays up the nature of intelligence sourcing. I think we could play this up more The more we advertise that unsupported assertions (eg Saddam attaches great importance to the possession of WMD) come from intelligence the better The history of JIC Assessments will help too ..."

373. Mr Pruce's comments on the Foreword are set out later in this Section.

374. Mr Philip Bassett, a Special Adviser in No.10, commented:

"Very long way to go I think ... we're in a lot of trouble with this as it stands now".¹⁷⁶

375. Mr Tom Kelly, the Prime Minister's Official Spokesman, wrote that the draft had "one central weakness", it did "not differentiate enough between capacity and intent":

"We know he is trying to get WMD – and this shows those attempts are intensifying But can we show why we think he intends to use them aggressively, rather than in self-defence We need that to counter the argument that Saddam is bad, but not mad

¹⁷⁴ Email Pruce to Mathews, 10 September 2002, 'Dossier'.

¹⁷⁵ Email Pruce to Campbell, 11 September 2002, 'Draft Dossier (J Scarlett Version of 10 Sept)'.

¹⁷⁶ Email Bassett to Pruce and Campbell, 11 September 2002, 'Draft Dossier (J Scarlett Version of 10 Sept)'.

We also ... need more direct argument on why containment is breaking down
In other words, putting the emphasis as much (maybe more) on the present and future, as the past

“The key must be to show that Saddam has the capacity, and is intent on using it in ways that threaten world stability, and that our ability to stop him is increasingly threatened.”¹⁷⁷

376. Mr Rycroft responded:

“yes, part of the answer to ‘why now?’ is that the threat will only get worse if we don’t act now – the threat that Saddam will use WMD, but also the threat that Iraq’s WMD will somehow get into the hands of the terrorists [...] This all links into the illicit money, since the more funds he has – and his cash pile is growing all the time – the more likely he is to buy fissile material etc”.¹⁷⁸

377. Mr Godric Smith, the Prime Minister’s Official Spokesman, wrote:

“I think there is material here we can work with but it is a bit of a muddle and needs a lot more clarity in the guts of it in terms of what is new/old In each area we need to distinguish between the two and better source (as much as we can) to intelligence It needs to be more factual if anything, less assertion based, with the rhetoric stripped out as I think this undermines it”.¹⁷⁹

378. Mr Bassett responded that he agreed with Mr Smith and suggested that the language of the dossier was “too journalistic”, it needed to be written “more in officialese” and “much more weight and detail”:

“- crucially though, it’s intelligence-lite ... All intelligence material tends to read like unevidenced assertion, and we have to find a way to get over this a) by having better intelligence material [...], b) by having more material (and better flagged-up), and c) more convincing material ...”¹⁸⁰

379. There was a meeting between Mr Campbell and Mr Scarlett, and others from No.10, at 6pm on 11 September.¹⁸¹

380. In his diaries Mr Campbell wrote that he:

“... gave some suggestions later re a different structure. We had the basic story and now had to fill it out. TB looked at it and said it was pretty compelling stuff.”¹⁸²

¹⁷⁷ Email Kelly to Campbell, 11 September 2002, ‘Dossier’.

¹⁷⁸ Email Rycroft to Kelly and Campbell, 11 September 2002, ‘Dossier’.

¹⁷⁹ Email Smith to Puce and Campbell, 11 September 2002, ‘Draft Dossier (J Scarlett Version of 10 Sept)’.

¹⁸⁰ Email Bassett to Smith, Puce and Campbell, 11 September 2002, ‘Draft Dossier (J Scarlett Version of 10 Sept)’.

¹⁸¹ Emails Blackshaw to Poston and Mathews, 11 September 2002.

¹⁸² Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

381. When Mr Miller asked to talk to someone in No.10 about the latest thinking on the dossier, “without getting into circulating copies just so as they are on the right track”, Mr Smith suggested he should speak to Mr Campbell or Mr Tom Kelly on 13 September.¹⁸³

382. On 13 September, Mr Campbell wrote:

“Meeting with Julian Miller ... to go through the new structure. I was worried that it was going to have to rely too much on assertion ...”¹⁸⁴

383. In relation to the recall of Parliament, Mr Campbell also wrote:

“I was worried that the dossier was going to be too assertive and that even though the agencies presented it as their work, it would be seen as us trying to spin them a line.”

384. Mr Campbell told the Hutton Inquiry that, in relation to the dossier, he had told Mr Scarlett: “The drier the better, cut the rhetoric”; and that “the more intelligence based it was, the better”. There was a need to distinguish between material in the Government’s dossier and the IISS publication.¹⁸⁵

385. Asked about the emails from Mr Puce, Mr Smith and Mr Bassett, Mr Campbell said that he could not recall seeing them.¹⁸⁶

386. Mr Campbell was not asked about the emails from Mr Kelly and Mr Rycroft.

387. Mr Scarlett told the Hutton Inquiry that he had not seen the No.10 emails at the time but he could see from the documents presented to him that some of the main comments had been made orally in the discussion that had taken place in Mr Campbell’s office at 6pm on 11 September 2002.¹⁸⁷

388. Asked whether he had received the comments from No.10 orally from Mr Campbell, Mr Scarlett stated that the person who had drafted the email recalled only that Mr Scarlett had said to him that the points were from No.10. Mr Scarlett had “no recollection” and “no record” of receiving the points, or who they were received from.¹⁸⁸

389. Mr Campbell subsequently told the Hutton Inquiry that, in relation to the content of the emails between Mr Bassett, Mr Smith and Mr Puce, he stood by what he had said on 19 August 2003; and that he could not recall pointing out any of the sentiments to Mr Scarlett in their meeting on 11 September.¹⁸⁹

¹⁸³ Email Smith to Campbell, 12 September 2002, ‘Dossier’.

¹⁸⁴ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹⁸⁵ The Hutton Inquiry, public hearing, 19 August 2003, page 35.

¹⁸⁶ The Hutton Inquiry, public hearing, 19 August 2003, pages 36-39.

¹⁸⁷ The Hutton Inquiry, public hearing, 23 August 2003, page 61.

¹⁸⁸ The Hutton Inquiry, public hearing, 23 August 2003, page 63.

¹⁸⁹ The Hutton Inquiry, public hearing, 22 September 2003, pages 159-160.

390. Mr Scarlett stated that he remembered Mr Bassett being at the meeting with Mr Campbell, but he did not remember what Mr Bassett had said and he did not remember taking any notice of it.¹⁹⁰ Mr Scarlett added:

“... the general advice that I took away from Alastair Campbell, from nobody else ... was that the ... draft ... needed, ideally, to have more detail in it, needed to be less assertive, less rhetorical ... And indeed the 16th September draft was clearly striking a slightly different tone in its language.”

391. Asked about the views expressed in the emails and their impact, Mr Campbell told the Inquiry:

“That may have been their honestly held opinions, but I didn’t agree with them. I actually thought that the paper that John Scarlett produced on September 10 was ... a very, very good piece of work. So, as I said at the Hutton inquiry, they are all perfectly entitled to make those points, if that’s their opinion, but, ultimately, it would not be their decision ...”¹⁹¹

392. Mr Blair told the Hutton Inquiry that he was aware of the process for producing the dossier, and his view was that it was “important that it made the best case we could make subject, obviously, to it being owned by the Joint Intelligence Committee”.

393. There is no evidence that Mr Blair saw the emails on the issue between officials in No.10.

394. Asked, in the light of the comment that No.10 had wanted the dossier “to be as strong as possible within the bounds of available intelligence”, whether he was aware that process (the email exchange) was going on, Mr Blair told the Hutton Inquiry that he had been aware of that, and “it was important that it [the dossier] made the best case we could make subject, obviously, to it being owned by the Joint Intelligence Committee”.¹⁹²

395. Mr Blair added that, as Parliament was being recalled and he would be presenting the dossier, he had been concerned to make sure the dossier made the “best case”:

“Provided that is clearly understood as meaning that it is only if the intelligence agencies thought both that the actual intelligence should be included and that there was not improper weight being given to any aspect of that intelligence.”¹⁹³

¹⁹⁰ The Hutton Inquiry, public hearing, 23 September 2003, page 151.

¹⁹¹ Public hearing, 12 January 2010, page 83.

¹⁹² The Hutton Inquiry, public hearing, 28 August 2003, page 6.

¹⁹³ The Hutton Inquiry, public hearing, 28 August 2003, page 7.

THE US PERSPECTIVE

396. The discussions with the US about President Bush's speech to the UN General Assembly on 12 September are addressed in Section 3.4. Key points from the speech are set out in the Box below.

President Bush's speech, 12 September 2002

In his speech to the UN General Assembly on 12 September, President Bush set out his view of the "grave and gathering danger" posed by Saddam Hussein and challenged the UN to act to address Iraq's failure to meet the obligations imposed by the Security Council since 1990.¹⁹⁴

President Bush made clear that, if Iraq defied the UN the world must hold Iraq to account and the US would "work with the UN Security Council for the necessary resolutions".

But the US would not stand by and do nothing in the face of the threat.

President Bush set out Iraq's failure to meet those obligations imposed by the UN, including:

- "Right now, Iraq is expanding and improving facilities that were used for the production of biological weapons."
- UN inspections had revealed that Iraq "likely maintains stockpiles of VX, mustard and other chemical agents, and that the regime is rebuilding and expanding facilities capable of producing chemical weapons".
- Iraq continued "to withhold important information about its nuclear program"; employed "capable nuclear scientists and technicians"; and retained "the physical infrastructure needed to build a nuclear weapon". It had "made several attempts to buy high-strength aluminium tubes used to enrich uranium for a nuclear weapon". If Iraq acquired fissile material, "it would be able to build a nuclear weapon within a year".
- Iraq's "state controlled media" had "reported numerous meetings between Saddam Hussein and his nuclear scientists, leaving little doubt about his continued appetite for these weapons".
- Iraq also possessed "a force" of SCUD-type missiles with greater than permitted range and was "building more ... that can inflict mass death throughout the region".
- Iraq had "subverted" the Oil-for-Food programme "to buy missile technology and military materials".
- Despite the UN's demands for the return of inspectors, Iraq had had "four years ... to plan and to build and to test behind the cloak of secrecy".

Challenging the UN to act, President Bush stated:

"We know that Saddam Hussein pursued weapons of mass murder even when inspectors were in his country. Are we to assume that he stopped when they left? The history, the logic and the facts lead to one conclusion: Saddam Hussein's regime

¹⁹⁴ The White House, 12 September 2002, *President's Remarks to the United Nations General Assembly*.

is a grave and gathering danger. To suggest otherwise is to hope against the evidence. To assume ... good faith is ... a reckless gamble ... [T]his is a risk we must not take.

“We have been more than patient ... Saddam Hussein has defied all these efforts and continues to develop weapons of mass destruction. The first time we may be completely certain he has ... nuclear weapons is when ... he uses one. We owe it to all our citizens to prevent that day from coming.”

397. Mr Scarlett discussed the draft dossier with US Administration officials on 12 September.

398. Sir Christopher Meyer, British Ambassador to the US, reported that, in meetings on 12 September, US Administration officials had welcomed Mr Scarlett’s briefing on the UK plan to publish a dossier on Iraqi WMD on 24 September.¹⁹⁵

399. Mr Scarlett had “stressed the importance of co-ordinating UK and US public presentation strategies”. The issues discussed included:

- recent Iraqi attempts to procure aluminium tubes; and
- the differences between US and UK assessments of the timelines for Iraq to acquire a nuclear weapons capability. President Bush had said publicly, notably in his speech to the UN General Assembly, that, if it obtained fissile material, Iraq could build a nuclear weapon within a year.

400. Sir Christopher Meyer also wrote:

“US interlocutors all pointed more generally to the need not to get trapped into juridical standards of proof. The bulk of the case should rest on history and common-sense argument, rather than specific new intelligence. When it came to Saddam’s WMD, absence of evidence was not the same as evidence of absence. We should not be afraid to argue that, just as in 1991, Iraq’s programmes were probably much further advanced than we knew.”

401. One official in the National Security Council suggested:

“... setting out convincing arguments as to why Saddam continued his costly pursuit of WMD. Deterring attacks on the regime was not a full explanation. For Saddam, WMD were weapons of choice, not of last resort. In particular ... [he] believed, Saddam wanted nuclear weapons so that he could threaten or use CW or BW in the region, and use his nuclear capability to deter nuclear retaliation ... we should not be afraid to make this argument publicly.”

¹⁹⁵ Telegram Misc 2 Washington to FCO London, 12 September 2002, ‘Personal Public Dossiers on Iraqi WMD’.

402. Mr Scarlett also discussed the draft with the CIA:

“The WMD section of the 10 September draft was also shown to the US Central Intelligence Agency (CIA) and they made comments.”¹⁹⁶

SIS report, 11 September 2002

403. On 11 September, SIS issued a report stating:

- Iraq had accelerated the production of chemical and biological agent;
- it had built further facilities throughout Iraq; and
- Saddam Hussein was determined to maintain his CBW capability.

404. SIS expected to receive additional material through the same source.

405. Reflecting concerns about source protection, the report was given a very limited distribution to named senior officials.

406. The report did not make clear that SIS was not itself in contact with the source whom it considered had direct access to Iraq’s programmes.

407. The Butler Report stated:

“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 ... reported that production of biological and chemical agent had been accelerated by the Iraqi regime, including through the building of further facilities throughout Iraq.”¹⁹⁷

408. Notes of a telephone discussion between Sir Richard Dearlove and Mr Scarlett on 11 September recorded that Sir Richard told Mr Scarlett:

- SIS was “on the edge of [a] significant intel breakthrough”. The intelligence was from a “first contact with BCW phenomenal access”. It could be the “key to unlock” Iraq’s BCW programme.
- Asked whether the source definitely had “the access”, Sir Richard replied “yes”.
- Sir Richard expected “additional material in 3-4 weeks time”. He mentioned a “CD with everything in it”.
- Sir Richard believed that it would be too risky to include the material from the new source [in the dossier]: “The moment we publish Saddam will lock up his BCW scientists.”

¹⁹⁶ Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, Cm5972, September 2003, paragraph 74.

¹⁹⁷ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 305.

- Sir Richard was reported to have “summarised the report”, stating: “Production closed down but sufficient stocks already.”
- Mr Scarlett agreed that the report would not be fed into “today’s discussion [of the draft dossier]”. He was: “Not happy with draft. Section 6 & 7 are keys.”¹⁹⁸

409. A letter from Sir Richard Dearlove’s Private Secretary to Sir David Manning, with two copies of the report (one for Sir David and one for Mr Powell) recorded that Sir Richard had “referred” to the report during his meeting with Sir David on 10 September.¹⁹⁹

410. Sir Richard Dearlove told the Butler Review that he had been aware of the report and had mentioned it to Sir David Manning at a meeting on 10 September.²⁰⁰ He had subsequently arranged for the report to be sent to No.10.

411. SIS issued the new intelligence report on 11 September.²⁰¹

412. The report stated that, in early September, a senior official who had a background of involvement in Iraq’s CW programme described a particular military establishment’s participation in BW and CW programmes, including:

- “The regime had demanded accelerated production of BCW substances. Senior workers were working a seven day week and safety measures, which were common in the 1980s, were now being ignored ...”
- “Although BW and CW production is centred on Baghdad, the regime has built further facilities throughout Iraq. There was now excess capacity, with more production facilities than there were suitably qualified and trusted staff to operate them.”
- Chlorine gas produced at the facility was “shipped to ‘Iraq Atomic Energy’”.
- “... [A]nthrax was being produced at a separate facility ...”
- “Approximately two weeks ago, an order was received to stop producing prohibited substances at ... [the establishment]. All machinery producing these substances was to be decontaminated and the remaining prohibited substances sent to storage. The same order had been sent to all MIC [Military Industrial Commission] factories involved in producing BCW in Iraq.”

¹⁹⁸ Note [PS/C transcription in September 2003 of handwritten notes], 11 September 2002, [telephone conversation between Sir Richard Dearlove and Sir John Scarlett].

¹⁹⁹ Letter PS/C to Manning, 11 September 2002.

²⁰⁰ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 578.

²⁰¹ Report [SIS], 11 September 2002, ‘Iraq: Accelerated production of Chemical and Biological Warfare (BCW) Substances throughout Iraq suspended end of August’.

413. The report stated that the SIS source had commented that:

- “Saddam Hussein was determined to maintain his CBW capability. If the major production centres near Baghdad were attacked and damaged, the regime would order staff to relocate to an alternative undamaged site.”
- Iraq “was concentrating its efforts on the production of anthrax and that Iraq had received a lot of help from neighbouring and friendly countries”.
- The action was “in preparation for the admission of weapons inspectors”.
- “New accommodation for senior scientists and their colleagues was being built near to the major BW and CW production sites. The families of those scientists would, in effect, be held hostage. They would be discouraged from deserting or from leaking information about activities at their facilities that might lead to the sites being targeted for bombing by allied forces.”

414. An SIS comment informed readers that:

- Chlorine was “one of the base chemicals for the production of CW agents such as mustard and the nerve agent sarin”.
- Chlorine was also used in the production of uranium trichloride “which in turn may be used as a feed material for the electromagnetic isotope separation process (EMIS) to enrich uranium for weapons production”. Iraq had previously admitted, in its declarations to UNSCOM, “attempting to pursue this route to produce weapon grade highly enriched uranium” before 1991; and, “Although Iraq encountered problems in scaling up the production capability, it had succeeded in producing a small quantity of lower enrichments and was continuing to resolve the problems before the EMIS programme was halted by Coalition air strikes.”

415. The report was described as “high impact” and the source was described as: “A new source on trial with direct access.” SIS advised that readers would “receive relevant briefing as soon as can be arranged”.

416. The report was sent to Mr Simon McDonald (Mr Straw’s Principal Private Secretary), Sir Michael Jay, Mr Wright, Mr Chaplin, Mr Ehrman, Sir David Manning, Mr Scarlett, Mr Bowen, Mr Miller, Mr Peter Watkins (Mr Hoon’s Principal Private Secretary), Sir Kevin Tebbit (MOD Permanent Under Secretary) and Mr Webb.

417. It was not sent to Sir David Omand, AM French, Mr Tony Cragg, MOD Deputy Chief of Defence Intelligence (DCDI), or the Heads of GCHQ or MI5.

418. Documents seen by the Inquiry state that the distribution was approved personally by Sir Richard Dearlove.

419. A minute for the file written by SIS9 recorded that he and Sir Richard Dearlove had briefed Mr Blair on the sources of the report (of 11 September) on 12 September.²⁰² The sources were not named but Mr Blair was given details of the source's background and his access, and his relationship with the sub-source.

420. Mr Blair was also briefed on two other sources who had provided recent reports.

421. Sir David Manning, Mr Powell and Mr Campbell were present.

422. Mr Campbell wrote:

"Meeting with TB, Jonathan, DM, AC, C and a SIS colleague re chemical and biological weapons, and what Blix would be looking for if the inspectors went in. It showed what was going on was really bad and getting worse, that he [Saddam Hussein] was determined to keep WMD for reasons of regional power. They were strategically vital and he was going to keep them come what may. C said we could use some of the material through assertion.

"They were confident this stuff was real, not being run against us. SIS believed the regime would collapse and there would be lots of defections etc. Very interesting meeting."²⁰³

423. Sir Richard Dearlove told the Butler Review in 2004 that he had had a meeting with Mr Blair on 12 September to brief him on SIS operations in respect of Iraq, and that he had briefed the Prime Minister on each of SIS' main sources including the new source on trial.²⁰⁴

424. Sir Richard also told the Butler Review that he had:

"... underlined to the Prime Minister the potential importance of the new source [of the 11 September report] and what SIS understood his access to be; but also said that the case was developmental and that the source remained unproven."

425. The Butler Report stated that SIS had hopes that this source would become a major asset.²⁰⁵ In particular, the source had indicated to SIS that he would be able to provide substantial and critical additional intelligence in the near future.

426. SIS4 suggested that Mr Blair had already known about the intelligence before the meeting between Mr Blair and Sir Richard Dearlove on 12 September, and that he wanted to see the product.²⁰⁶

²⁰² Minute [SIS internal record], 12 September 2002.

²⁰³ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²⁰⁴ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 578.

²⁰⁵ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 574.

²⁰⁶ Private hearing Part 1, page 58.

427. Sir Richard Dearlove told the Inquiry that “it would have been very rare” for him to have talked to Ministers or Mr Blair “about our source base”.²⁰⁷

428. Asked about Mr Blair’s reaction, Sir Richard told the Inquiry that Sir David Manning had asked him to give Mr Blair a briefing “which would give him [Mr Blair] more of a flavour for what was actually going on on the ground”.²⁰⁸ Mr Blair “had an appetite for that sort of briefing which was a pretty rare event”, and had had a “fair amount of general discussion” with SIS9 “about the difficulties and problems we were facing”.

429. Asked whether, as some witnesses had suggested, he had been precipitate in going to Ministers with the report so quickly, Sir Richard replied:

“I think in the circumstances, I don’t agree ... because if you issue a report like that in the middle of a crisis, you’re going to get a phone call from a Ministerial office within a short period of time.”²⁰⁹

430. Sir Richard also stated that in the circumstances it would have been “impossible” not to issue the report; SIS could not “sit on something as potentially important” as that.²¹⁰

431. The SIS report of 11 September was used by Mr Scarlett and Mr Miller in reaching key judgements about Iraq’s chemical and biological weapons capabilities included in the Government dossier published on 24 September.

432. Specifically it provided the assurance for the judgements that Iraq had:

- “continued to produce chemical and biological agents”;
- “military plans for the use of chemical and biological weapons ...”

433. The judgements on Iraq’s production of chemical and biological weapons and the circumstances in which they could be used became the baseline for subsequent advice to Ministers and public statements on the threat posed by Iraq.

434. The Butler Report concluded that the intelligence report (of 11 September) had “a major effect on the certainty of the statements in the Government’s dossier of September 2002 that Iraq possessed and was producing chemical and biological weapons”.²¹¹

435. The Butler Report added that the SIS report had provided “significant assurance to those drafting the ... dossier that active, current production of chemical and biological agent was taking place”.²¹²

²⁰⁷ Private hearing, 16 June 2010, page 53.

²⁰⁸ Private hearing, 13 July 2010, page 33.

²⁰⁹ Private hearing, 13 July 2010, pages 34-35.

²¹⁰ Private hearing, 13 July 2010, page 35.

²¹¹ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 401.

²¹² *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 405.

436. In the context of Sir Richard Dearlove's evidence, that he had told Mr Blair on 12 September 2002 that the SIS report issued on 11 September was developmental and the source unproven, the Butler Report stated:

"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, the concurrence of events caused more weight to be given to this unvalidated new source than would normally have been the case."²¹³

437. In his evidence to the Inquiry, Sir Richard Dearlove maintained that material from the report of 11 September had not been used in the dossier:

"... maybe I should add now, because I'm sure you are going to question me ... I think this is an important point, so we don't waste too much time on it. I can say very authoritatively there was no material in the dossier [from the new source on trial in September 2002].

"I can also say, if you actually look at the introduction to the dossier, it refers to assessed intelligence, specifically assessed intelligence. [The new source on trial] was not assessed intelligence, and therefore are actually authoritatively excluded because they don't fall into that category, and I had put my foot down and said this material could not be used."²¹⁴

438. Sir Richard subsequently told the Inquiry that he had insisted that the September reporting was not included in the dossier because he wanted to retain the source for use during inspections.²¹⁵

439. Sir John Scarlett told the Inquiry that the "further intelligence" reporting on the "acceleration" of the "production of chemical and biological agent" was "regarded as significant".²¹⁶

440. Sir John subsequently stated that the report issued on 11 September was "influential" and "did famously influence what was said in the dossier".²¹⁷ He also referred to a further report from the same source in late September and that "a composite version" of the two reports had been "issued in early April 2003" and that it "was still considered to be sound reporting as of that date".

441. The SIS report of 23 September is addressed in the Box below.

²¹³ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 578.

²¹⁴ Private hearing, 16 June 2010, page 56.

²¹⁵ Private hearing, 13 July 2010, pages 30-31.

²¹⁶ Public hearing, 8 December 2009, page 41.

²¹⁷ Private hearing, 5 May 2010, page 20.

SIS report, 23 September 2002

On 23 September, SIS issued a second report from the same sourcing chain as the 11 September report. That stated VX, sarin and soman had been produced at Al-Yarmuk, and were loaded into a variety of “containers”, including “linked hollow glass spheres”. The source commented that there had been “accelerated production of CW substances at Al-Yarmuk for several years”. It was described by SIS as expanding and clarifying the intelligence in the first report, and that it was “valuable intelligence”.²¹⁸

The report was circulated to the same restricted group as the report on 11 September, with the addition of Mr Mark Bowman, Mr Brown’s Private Secretary.

It arrived too late to have influenced the conclusions in the dossier.

442. When the reporting was reissued in April 2003 Mr Scarlett was not informed that SIS had doubts about the reliability of the reporting chain. That is addressed in Section 4.3.

443. The potential impact of the reporting on Mr Blair’s statement to the House of Commons on 24 September is addressed later in this Section.

Mr Straw’s speech, 14 September 2002

Mr Straw’s speech to the UN General Assembly on 14 September focused on the critical role the UN had to play in world affairs, and the “three rising challenges” of failing states, terrorism and weapons of mass destruction.²¹⁹

Addressing the threat from proliferation, Mr Straw stated: “Nowhere is the case for universal support for the enforcement of the UN’s law stronger than in the field of weapons of mass destruction.” He added:

“... with one infamous exception – no States have resorted to these, the world’s worst weapons.

“That exception is Iraq. For two decades, Saddam has defied and frustrated every attempt to enforce the international rule of law. Iraq is the only country to be condemned by the United Nations for breaching the Convention on Chemical Weapons. Iraq has fought two wars of aggression ... No country has deceived every other country in the world as systematically and cynically as Iraq. And no country presents as fundamental a challenge to the United Nations ...”

²¹⁸ Report [SIS], 23 September 2002, ‘Iraq Details of CW Production at Al Yarmuk’.

²¹⁹ FCO News, 14 September 2002, ‘*Security is not an option, it is a necessity - Straw (14/09/02)*’.

Draft dossier, 16 September 2002

444. In a note to No.10 officials covering a range of issues on 15 September, Mr Blair wrote on Iraq:

“The dossier is crucial. The expectations must be right. Remember the case we need to make is for the return of a tough inspection regime, not that he [Saddam Hussein] is about to launch a strike. In my view, advice to me from the JIC is sufficiently persuasive.”²²⁰

445. Mr Blair told the Hutton Inquiry:

“The purpose of the dossier was to respond to the call to disclose the intelligence we knew but at that stage the strategy was not to use the dossier as the immediate reason to go to conflict, but as the reason why we had to return to the issue of Saddam and weapons of mass destruction ...”²²¹

446. There were a number of significant changes in the revised draft of the dossier of 16 September, including giving prominence in the Executive Summary to:

- the IISS judgement that Iraq could obtain a nuclear weapon within months if it obtained fissile material, rather than the JIC’s more conservative view of one to two years which was not mentioned in the Summary;
- Saddam Hussein’s readiness to use weapons of mass destruction and his determination to retain them; and
- a statement that the JIC judged that Iraq continued to produce chemical and biological agents.

447. Mr Scarlett sent a revised version of the dossier to JIC members on 16 September, which put the description of Iraq’s chemical, biological, nuclear and ballistic missile programmes first.²²²

448. The draft did not contain a draft Foreword; the development of the text signed by Mr Blair is discussed later in this Section.

449. The key additions to the Executive Summary from the previous draft were references to:

- the “valuable assessment” in the IISS paper of 9 September, including that it judged “Iraq could assemble nuclear weapons within months of obtaining fissile material from foreign sources”;

²²⁰ Note Blair [to No.10 officials], 15 September 2002, [extract ‘Iraq’].

²²¹ The Hutton Inquiry, public hearing, 28 August 2003, page 10.

²²² Minute Scarlett to JIC Members, 16 September 2002, ‘Iraq WMD: Papers for Public Presentation’ attaching Paper, ‘Iraq’s Programme for Weapons of Mass Destruction: The British Government Assessment’.

- intelligence providing a “fuller picture of Iraq’s plans and capabilities” and showing that Saddam Hussein did “not regard them only as weapons of last resort”; he was “ready to use them ... and determined to retain them”; and
- intelligence allowing the JIC to judge that Iraq had “continued to produce chemical and biological agents”; and that Saddam Hussein and his son Qusay had “the political authority to use” WMD.

450. The draft included a new Chapter 1 on the role of intelligence, which stated:

“Intelligence rarely offers a complete account of activities which are designed to remain concealed. And the nature of Saddam’s regime makes Iraq a difficult target ... Nonetheless, we have been able to develop a range of well positioned sources. The need to protect and preserve these sources inevitably limits the detail that can be made available. But intelligence has provided important insights into Iraqi programmes, and into Iraqi military thinking. Taken together with what is already known from other sources, this builds our understanding of Iraq’s capabilities and adds significantly to the analysis already in the public domain.

“Iraq’s capabilities have been regularly reviewed by the ... JIC, which has provided advice to the Prime Minister on the developing assessment on the basis of all available sources ... [T]his paper includes some of the most significant views reached by the JIC between 1999 and 2002.”

451. The text on Iraq’s programmes was significantly expanded. As well as more detail on Iraq’s attempts to procure material that could be used for prohibited programmes, and judgements from JIC Assessments, changes to the previous text included:

- a box describing the effect of detonating a 20-kiloton nuclear warhead over a city;
- the addition of statements that: there had been “recent production of chemical and biological agents”; intelligence confirmed that Iraq continued to produce chemical agents; and “we know from intelligence that Iraq has continued to produce biological warfare agents”;
- a statement that intelligence had provided “**Confirmation**” that chemical and biological weapons played an important role in Iraqi military thinking;
- two separate statements that the Iraqi military “may be able to deploy” chemical and biological weapons within 45 minutes of a decision to do so;
- the replacing of the judgement that, if Iraq obtained fissile material, it would take at least two years to make a working nuclear device, by a statement that it would be “much shorter” than the five years Iraq would require to produce a nuclear weapon once sanctions were lifted or became ineffective, and, “depending on the effectiveness of Iraqi weapons design”, that could be “between one and two years”; and

- the replacing of the reference to an ability to produce an unreliable IND within a few months, by a reference to Iraqi experimentation with radiological dispersal devices (RDDs) during 1987, but the programme “never progressed beyond the research stage and was dropped”. A box described such devices as an “ineffective weapon”.

452. The draft also contained a new “Conclusion” summarising the current position.

453. Mr Scarlett asked that the “representatives” of JIC members attending a meeting to be chaired by Mr Miller at 0900 the following morning, should “come armed with suggested additions/ deletions/amendments to be decided at the meeting”.²²³ He also asked for “final comments” by 1300 on 17 September.

454. Mr Scarlett cautioned:

“In public presentation terms, this draft remains a highly sensitive document. I would therefore be grateful if you each retain very tight control over its distribution ...”

455. Mr Scarlett held a meeting “to work up a strategy on Iraq” later that day.²²⁴

456. A minute from Mr Kelly to Mr Campbell on 17 September suggests that this discussion was essentially about plans for printing and publishing the document and preparing supporting material.²²⁵

457. Mr Miller told the Hutton Inquiry that the draft dossier was discussed in a meeting he chaired on 17 September.²²⁶

458. The Defence Intelligence Staff expressed concerns that some of the statements in the draft on Iraq’s chemical and biological weapons could not be substantiated by the intelligence it had seen.

459. A member of the Defence Intelligence Staff (DIS) wrote to the Assessment Staff early on 17 September reflecting concerns that some of the statements on chemical and biological weapons in the draft could not be substantiated by the intelligence seen by the DIS.²²⁷ The comments included:

- **“Executive Summary, Para 3 – 1st Bullet:** The judgement ‘has continued to produce chemical and biological agents’ is too strong with respect to CW. ‘has probably’ would be as far as I would go. And ‘continued to produce BW agents’. This is quite strong considering what the int actually says. [Iraq has a biological production capability and can produce at least anthrax, botulinum toxin, aflatoxin

²²³ Minute Scarlett to JIC Members, 16 September 2002, ‘Iraq WMD: Papers for Public Presentation’.

²²⁴ Email Blackshaw to Kelly and Smith, 16 September 2002, ‘Iraq Strategy’.

²²⁵ Minute Kelly to Campbell, 17 September 2002, ‘Publication of the Dossier’.

²²⁶ The Hutton Inquiry, public hearing, 11 August 2003, page 155.

²²⁷ Minute ADI PS [DIS junior official] to JIC Assessments Staff, 17 September 2002, ‘Iraqi WMD dossier – Comments on Revised Draft (15 Sept 2002)’.

and ricin within day of the order to do so. Sought mobile facilities to produce biological agent. [...]]”

- **“Executive Summary, Para 3 – 2nd Bullet:** The judgement ‘has military plans for the use of chemical and biological weapons, some of which could be ready within 45 minutes of an order to use them’. Is also rather strong since it is based on a single source. ‘Could say intelligence suggests ...’”
- **“Part 1, Chapter 2, Para 16:** The statement ‘... Iraq continues to produce chemical and biological agents.’ This is too strong. See comment above. Suggest ‘may continue to produce’ even ‘probably continues to produce’.”
- **“Part 1, Chapter 3, Para 1 – 1st Bullet:** The statement ‘which has included recent production of chemical and biological agents;’ is too strong from the CW perspective. This is based on a single source.”
- **“Part 1, Chapter 3, Para 5 Recent Intelligence:** From the CW perspective the language is too strong since the information is based on single sources. The wording ‘intelligence shows that’ is too strong and inappropriate” ‘reports that’, ‘indicates that’, ‘suggests that’ would be more appropriate.”
- **“Part 1, Chapter 3, Para 8 – Line 1:** The statement ‘Intelligence confirms that Iraq has continued to produce chemical agent.’ This is far too strong considering the available evidence. The word confirms is totally inappropriate. “Intelligence suggests that ...’ would be better”.
- **“Part 1, Chapter 3, Para 12:** The statement ‘We know from intelligence that Iraq has continued to produce BW agents’. This is quite strong considering what the int actually says ...”
- **“Part 1, Chapter 3, Para 16:** The statement ‘Iraq has continued to produce CBW agent’. Some elements of the summary repeat the same overly strong statements as in the rest of this chapter.”

460. The response to the DIS concerns is addressed later in this Section.

461. Mr Blair and officials within No.10 offered a number of comments on the draft.

462. Mr Pruce commented that the new draft:

- “re-ordered the text, with the new intell nearer the front (might be able to bring it further forward)”;
- “added a short chapter on JIC and intelligence”, which was “Good but could give more details”;
- “kept in the longer nuclear timelines ... We need to think carefully about how these will appear to compare with the IISS figure of a weapon within a few months”; and

- “added a short conclusions table – not sure this adds a lot to the Executive Summary”.²²⁸

463. Mr Pruce summarised:

“The re-organised material paints a more convincing picture, but the facts remain thin on nuclear”.

464. Mr Campbell sent Mr Scarlett his and Mr Blair’s comments on the draft dossier on 17 September.²²⁹

465. Mr Campbell wrote that Mr Blair thought it was “a very good job and it was convincing”, but had a number of comments. These included that Mr Blair:

- thought the chapter on the current position on Iraq’s chemical, biological, nuclear and ballistic missile programmes “should be re-ordered, to build towards the conclusion through detail”;
- “like me, was worried about the way you have expressed the nuclear issue ... Can we not go back ... to ‘radiological device’ in months; nuclear bomb in 1-2 years with help; 5 years with no sanctions”;
- “thought we should make more of the ‘no civil nuclear’ point, and list dual-use products”; and
- “felt we don’t do enough on human rights”.

466. Mr Campbell’s own comments included:

- “... we should make more of the point about current concealment plans.”
- The Executive Summary “would be stronger if we said that despite sanctions and the policy of containment, he [Saddam Hussein] has made real progress”.
- The statement that Saddam’s sons “may have” the authority to use chemical and biological weapons in the text was weaker than the statement in the Summary that they had that authority.
- “Can we say that he [Saddam] has secured uranium from Africa?”

467. Mr Campbell also asked for Mr Scarlett’s views on the draft Foreword for Mr Blair. This is addressed later in this Section.

468. In his diaries Mr Campbell wrote:

“I got the new dossier draft and did detailed comments ... TB also read it and made some comments. Nuclear was the most difficult part. Scarlett and I chatted away re that.”²³⁰

²²⁸ Email Pruce to Kelly, Campbell and others, 17 September 2002, ‘Dossier – 16 September Draft’.

²²⁹ Minute Campbell to Scarlett, 17 September 2002, [untitled].

²³⁰ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

469. In an email to Mr Scarlett on 17 September, Mr Powell wrote:

“The dossier is good and convincing for those who are prepared to be convinced

“I have only three points, none of which affect the way the document is drafted or presented

“First the document does nothing to demonstrate a threat, let alone an imminent threat from Saddam In other words it shows he has the means but it does not demonstrate he has the motive to attack his neighbours let alone the west We will need to make clear in launching the document that we do not claim to have evidence that he is an imminent threat The case we are making is that he has continued to develop WMD since 1998, and is in breach of UN resolutions The international community has to enforce those resolutions if the UN is to be taken seriously

“Second we will be asked about connections with Al Qaida [...]

“Third, if I was Saddam I would take a party of western journalists to the Ibn Sina factory or one of the others pictured in the document to demonstrate there is nothing there How do we close off that avenue to him in advance?”²³¹

470. In his response Mr Scarlett stated:

- A note was being prepared on Iraq and Al Qaida.
- The dossier stressed the problems [in identifying prohibited activities], posed by dual-use facilities and the ease of concealment. That “applied to trained inspectors let alone journalists”.²³²

471. Mr Campbell commented:

“I think we risk complicating the issue if we get into links with Al Qaida The dossier, and the debate in Parliament, are explicitly about Iraq/WMD On the question of sites, we should in our briefing make clear that we assume he will sanitise one of them for the media, and pull some stunt, but remain robust re our judgements Re the ‘imminent threat’, point, that is why TB’s foreword sets out ‘the case I am making’. John, I will show him your revisions and hopefully get the Foreword signed off today”.²³³

472. In a further email on 18 September, Mr Powell emphasised that he was “not suggesting any changes to the dossier, just flagging up points where we are going to need to mould expectations in advance of publication and on publication”.²³⁴

²³¹ Email Powell to Scarlett, 17 September 2002, ‘Dossier’.

²³² Email Scarlett to Powell, 18 September 2002, ‘Re Dossier’.

²³³ Email Campbell to Scarlett and Powell, 18 September 2002, ‘Re: Dossier’.

²³⁴ Email Powell to Campbell and Scarlett, 18 September 2002, ‘Re: Dossier’.

473. Mr Powell concluded:

“The threat argument will be a major problem in the press/parliamentary assault after the dossier comes out and we need to flag up the point in the preface at publication and during the debate We need to set the test for ourselves at a level we can meet”.

474. Later on 18 September, Mr Campbell sent Mr Scarlett the impressions of a member of his team whom he had asked to read the draft.²³⁵ Mr Campbell wrote that “Overall, she found it convincing”, “CW/BW in particular”. She had, however, found the nuclear section confused and unconvincing, and it had left her thinking that there was “nothing much to worry about”. The section “lacked the clarity of the rest of the document”.

475. Mr Campbell added:

“Sorry to bombard on this point, but I do worry that the nuclear section will become the main focus and as currently drafted is not in great shape.”

476. Mr Scarlett informed Mr Campbell that he had seen the comments and was taking account of them in the revision of the dossier.²³⁶

477. Commenting on the Executive Summary, Mr Ed Owen, Mr Straw’s Special Adviser, wrote that it did not read “well enough to give a sceptical reader the confidence to believe that the dossier provides the necessary information”.²³⁷

Draft dossier, 19 September 2002

478. Mr Scarlett informed the JIC on 18 September of the latest position on the draft dossier, and that “a final version would have to be agreed and with the printers by the end of the following day”.²³⁸

479. The co-ordination arrangements for producing the draft and deciding on its handling had “gone well”. Mr Scarlett also “said he wanted to thank all those from the intelligence community who had played a part in the document’s production. Their helpful, balanced, co-operative and collaborative approach had been much appreciated.”

480. There is no record of any substantive points being raised.

481. Sir Stephen Lander, Director General of the Security Service, Sir Francis Richards, Sir Richard Dearlove, Mr Webb, Mr Cragg, and Sir David Omand were amongst those present. Sir David Manning, AM French and Mr Bowen were not present.

²³⁵ Email Hatfield to Scarlett, 18 September 2002, ‘Another dossier memo’.

²³⁶ Email Scarlett to Campbell, 18 September 2002, ‘Another dossier memo’.

²³⁷ Email Owen to Scarlett and others, 17 September 2002, ‘Re Iraq – Dossier’.

²³⁸ Minutes, 18 September 2002, JIC meeting.

482. Mr Scarlett told the Hutton Inquiry that at the JIC on 18 September:

“The Committee also noted that some new intelligence had come in on nuclear matters which would need to be incorporated in the draft.

“The Committee raised no particular point – no points of further debate or contention.”²³⁹

483. On 18 September, Mr Scarlett sent Mr Campbell detailed responses to his and Mr Blair’s comments.²⁴⁰

484. The response to Mr Blair’s comments included:

- The revised restructuring suggested by Mr Blair would have “less impact than the original”.
- Mr Scarlett had explained “the decision to drop earlier references to an improvised nuclear device, on which there is no intelligence”.
- No change had been made to the timelines for Iraq to acquire a nuclear weapon which summarised the JIC position, but one paragraph had been revised to bring out the judgements more clearly.
- Dual-use products had been listed separately; and the impact was “much improved”.
- Material on human rights abuses had been added and the issue was given “a little more prominence” in the Executive Summary.

485. Mr Scarlett also addressed Mr Campbell’s more detailed comments, including that the language on current concerns and plans had been strengthened and the Summary brought out the point suggested by Mr Campbell – that Iraq was making progress despite sanctions and containment.

486. Addressing comments in Mr Campbell’s minute of 17 September, Mr Scarlett told the Hutton Inquiry:

“... we looked again at what we were saying in the draft about Iraq’s concealment plans and activities – what the intelligence was saying, and also how we were expressing the success or otherwise of sanctions and the policy of containment.

“This, of course, was a point that we had been expressly asked to highlight by the JIC at its meeting of 11 September.

“... [I]ntelligence ... was very clear about Iraq’s confidence that it could learn lessons from its past experience with the inspectors, and pursue effective concealment plans.”²⁴¹

²³⁹ The Hutton Inquiry, public hearing, 23 September 2003, page 88.

²⁴⁰ Minute Scarlett to Campbell, 18 September 2002, ‘Iraq: Weapons of Mass Destruction’.

²⁴¹ The Hutton Inquiry, public hearing, 23 September 2003, pages 94-95.

487. In his diaries, Mr Campbell recorded that, on 18 September, he also:

“... went through nuclear section with Julian Miller, which was OK. JS [Jack Straw] was keen to keep in the very downbeat assessment.”²⁴²

488. In an email on 19 September, Mr Campbell recorded that he told Mr Miller:

“... it would be simpler to have just one clearer section on nuclear timelines, perhaps along the following lines ...

“It is impossible to be precise about nuclear timelines We can be clear however, that provided sanctions and export controls remain in place and effective, it is not possible for Iraq to develop nuclear weapons. This is because although they have the expertise, the design data, the planning and the intent they do not have the material necessary for the production of fissile material. This contrasts with CW/BW, which they can produce indigenously. Even if sanctions were removed, we assess that it would take up to five years for them to develop nuclear weapons. The timelines are considerably shortened however if Iraq manages to obtain fissile material illegally from overseas In these circumstances, the JIC assessed in early 2002 that they could produce nuclear weapons in between one and two years”.²⁴³

489. Mr Scarlett sent the draft dossier to Mr Campbell on 19 September.²⁴⁴

490. The minute was also sent to JIC members “on a personal basis, reflecting the continuing sensitivity of the document and the imperative need to avoid leaks”. They were asked to let Mr Scarlett have “any essential further comments on this draft by 15:00 today”.

491. Mr Scarlett wrote:

“I should draw your attention to some changes to the Executive Summary reflecting comments from the Foreign Office; to a simplified account of Saddam’s nuclear programme; and to a restructuring of the final section on Saddam’s Iraq to bring out the human rights issues more clearly. In particular you should note that we have toned down the reference to aluminium tubes ... and removed it from the Executive Summary. This reflects some very recent exchanges on intelligence channels. Finally, I have recast the conclusion to remove the chart, which a number of readers considered to lack impact.”

²⁴² Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²⁴³ Email Hatfield to Scarlett, 19 September 2002, ‘Nuclear Section’.

²⁴⁴ Minute Scarlett to Campbell, 19 September 2002, ‘Iraqi WMD: Public Presentation of Intelligence Material’ attaching Paper, 19 September 2002, ‘Iraq’s Programme for Weapons of Mass Destruction: The Assessment of the British Government’.

492. A concluding paragraph in the Executive Summary, stating that Saddam Hussein would “use his weapons of mass destruction to protect and eventually project his power”, reflected a revised Conclusions section at the end of the paper which stated:

“Four themes dominate even the most sober account of Saddam Hussein’s rule in Iraq:

- Brutality ... against his own people,
- Aggression against neighbour states,
- Cynicism in dealing with the Iraqi people, regional states and the International Community; and,
- Single minded pursuit of military power and above all weapons of mass destruction as the most effective means of exercising that power.

“This paper has set out our assessment of Saddam’s current holdings ... as well as his programmes for their development. Although our knowledge is partial, the paper concludes that he possesses mass destruction weapons and the means to produce them and to deliver them. His development programmes continue. An analysis of what he will do with these weapons now and in the future, must rest upon his record and our current information, including intelligence. It is reasonable to conclude that he will use whatever weaponry he has to hand to protect his power and eventually to project it when he feels strong enough to do so.”

493. Other changes included:

- the firming up of the judgement on the timeline for deploying chemical and biological weapons, from “may be able” to deploy within 45 minutes to “are able”;
- the addition of a statement that Iraq had learned lessons from its previous experience with inspections to identify and exploit weak points and that sensitive equipment and papers were easily concealed;
- the addition of a statement that the “possession of mobile biological agent production facilities” would “also aid concealment efforts”; and
- the omission of the box explaining the difficulties of producing a nuclear weapon and the inclusion of one which described the elements of a nuclear programme and the process to convert those elements into a reliable weapon. The only comment on the difficulty was that the complexity was “much greater for a weapon that can fit into a missile warhead than for a larger Nagasaki-type [free fall] bomb”.

494. In an email to Mr Scarlett, Mr Campbell commented that he did not think the revised Conclusion worked and that he would “either revert to, and strengthen” the previous format (a box summarising key points), or drop the section.²⁴⁵ Mr Campbell also wrote that the Foreword covered most of the points made in the Conclusion.

²⁴⁵ Email Campbell to Scarlett, 19 September 2002, [untitled].

495. In an email to Mr Campbell and Mr Scarlett on the afternoon of 19 September, Mr Powell wrote that he agreed with Mr Campbell that the Conclusion should be dropped.²⁴⁶

496. Mr Powell also:

- asked what headline “we want” in the *Standard* on the day of publication; and
- pointed out that the statement that Saddam Hussein was “prepared to use chemical and biological weapons if he believes his regime is under threat is a bit of a problem”, because it backed up the argument that there was “no CBW threat and we will only create one if we attack him”.

497. Mr Powell added:

“My memory of the intelligence is that he has set up plans to use CBW on western forces and that these weapons are integrated into his military planning.”

498. In further comments later on 19 September, Mr Campbell raised three further points in relation to nuclear weapons.²⁴⁷

499. In relation to the time required to produce a nuclear weapon, the draft text on nuclear timelines (paragraph 23) stated:

“In early 2002, the JIC assessed that UN sanctions on Iraq were hindering the import of crucial goods for the production of fissile material. The JIC judged that while sanctions remain effective, Iraq would not be able indigenously to produce a nuclear weapon. If they were removed or proved ineffective, it would take Iraq at least five years to produce a weapon. But we know that Iraq retains expertise and design data relating to nuclear weapons. We therefore judge that if Iraq obtained fissile material and other essential components from foreign sources, the timeline for production of a nuclear weapon would be shortened and Iraq could produce a nuclear weapon in between one and two years.”²⁴⁸

500. Apologising for not having spotted the point earlier, Mr Campbell wrote:

“If we are saying that it would take between one and 2 years for them to build a nuclear weapon by illegal means, why would it take 5 years with no sanctions? A lay reader may assume that no sanctions would mean he could do what he wanted and therefore, presumably, what he needed between 1 and 2 years

“If the answer is that it would take 5 years to go from planning to reality, whereas he could purchase ready-made material from overseas, and so cut the timelines, I think that should be made explicitly clear”.

²⁴⁶ Email Powell to Campbell, 19 September 2002, ‘RE: [untitled]’

²⁴⁷ Email Blackshaw to Scarlett, 19 September 2002, ‘Re final points for your 5pm meeting’.

²⁴⁸ Paper Assessments Staff, 19 September 2002, ‘Iraq’s Programme for Weapons of Mass Destruction: The Assessment of the British Government’.

501. Secondly, Mr Campbell commented that the draft text on radiological dispersal devices added little.

502. Finally, Mr Campbell suggested that the text of the draft relating to attempts to purchase two different machines which “could be used” in a gas centrifuge uranium enrichment process (paragraph 21, fourth and fifth bullets), might be amended to read “is required to”.²⁴⁹

503. In his diaries on 19 September, Mr Campbell wrote:

“Most of my work at the moment was on the dossier. Nuclear timelines just about sorted ... I agreed to drop the conclusion. Some people reasonably convinced, others not. We’d end up convincing those who wanted to be and not those who didn’t.”²⁵⁰

504. Sir Richard Dearlove told the Hutton Inquiry that he “reported to my directors, I think on 19 September that we had had full visibility of the process of preparing the dossier and that the whole process had gone extremely well”.²⁵¹

Preparation of Mr Blair’s Foreword

505. The Foreword for the dossier was largely written by Mr Campbell, following conversations with Mr Blair. It was produced in the week before publication separately from the main text of the dossier.

506. Mr Scarlett and the JIC were asked for comments.

507. In comments on the Foreword in the draft dossier of 10 September, Mr Pruce wrote:

“... the Foreword is good but whose voice is it? Do we need a Minister to sign it off? Probably not”.²⁵²

508. Mr Sedwill wrote that the Foreword needed to make Saddam Hussein’s defiance of the UN “a key issue”.²⁵³ This was what distinguished him “from other dictators and holders of WMD”.

²⁴⁹ Email Blackshaw to Scarlett, 19 September 2002, ‘Re final points for your 5pm meeting’.

²⁵⁰ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

²⁵¹ The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* [“The Hutton Report”], paragraph 187.

²⁵² Email Pruce to Campbell, 11 September 2002, ‘Draft Dossier (J Scarlett Version of 10 Sept)’.

²⁵³ Email Sedwill to Gray, 11 September 2002, ‘Dossier 10/9 Version - Comments’.

509. Mr Owen agreed with Mr Sedwill. He suggested that the Foreword needed:

“... to refer to the UN in the first sentences. This is after all, about the authority of the UN and international law. This is the only way we can win the argument in Parliament and elsewhere ...”²⁵⁴

510. Mr Straw suggested that the Foreword for the dossier “should be in a narrative form” by Mr Blair, and that it needed “a killer” paragraph on “Saddam’s defiance of the UN, only annexation of another member state and unprecedented use of WMD”.²⁵⁵

511. Writing before the decision had been taken that Mr Blair would sign the Foreword or the text had been drafted, Mr Bowen wrote:

“I take it as read that the Foreword is a political piece, signed by the Prime Minister or another Minister. In that text it would be useful to make the point that what follows is the work of officials drawing on sensitive intelligence material. The Foreword can be as loaded as we like in terms of the political message (provided it is consistent with the dossier itself), whereas the text itself should be the judgement of the experts.”²⁵⁶

512. The minute was copied to Mr Campbell, Mr Powell and Sir David Manning.

513. Mr Campbell produced a draft Foreword for Mr Blair on 16 September.²⁵⁷ The draft began:

“The document published today is the work of the Joint Intelligence Committee ...”

514. Referring to the intelligence which had “formed the judgements” in the dossier, the draft stated:

“I and other Ministers have been briefed in detail on the sources, and are satisfied as to their authority, and the authority of the information they have disclosed.

“What I believe they established beyond doubt is that Saddam has continued to produce chemical and biological weapons that he continues in his efforts to develop nuclear weapons, and to extend the range of his ballistic missile programme.

“This picture ... has become more not less worrying. Faced with the picture put before me on seeing a succession of JIC papers on the subject, as Prime Minister I have a choice: do I ignore this evidence or do I act to address the threat?

²⁵⁴ Email Owen to Sedwill, 11 September 2002, ‘Dossier 10/9 Version – Comments’.

²⁵⁵ Email Sedwill to Gray, 11 September 2002, ‘Iraq Dossier: 10/9 Version – Foreign Secretary’s Comments’.

²⁵⁶ Minute Bowen to Scarlett, 11 September 2002, ‘The Iraq Dossier’.

²⁵⁷ Email Hatfield to Blackshaw, 16 September 2002, ‘Draft’ attaching Document, [undated], ‘Dossier Foreword by TB’.

“I am in no doubt that the threat is serious, and current; and that he has made progress on WMD and that he has to be stopped.”

515. The draft concluded:

“The case I make is not that Saddam could launch a nuclear attack on London or another part of the UK (He could not). The case I make is that the UN resolution[s] demanding he stops his WMD programme are being flouted; that since the inspectors left four years ago, he has continued with this programme; and the inspectors must be allowed in to do their job properly.

“It is the minimum necessary to ensure that he does not get to use the weapons he has, or get hold of the weapons he wants.”

516. A draft was sent to Mr Powell and Sir David Manning on 17 September, asking for comments as soon as possible before it was shown to Mr Blair or Mr Scarlett.²⁵⁸

517. Mr Powell offered three comments on the Foreword:

- “I think it is worth explicitly stating, as TB keeps saying, this is the advice to him from the JIC. On the basis of this advice what other action could he as PM take. Something like ‘I am today taking the exceptional step of publishing the JIC’s advice to me because I want MPs and the British public to see the advice on which I am acting. When you have read this I ask you to consider what else a responsible PM could do than follow the course we have in the face of the advice?’”
- “We need to do more to back up the assertions. We cannot of course publish the detailed raw intelligence on which this report is based without endangering the lives of agents. But all the statements in this report are backed up by detailed intelligence reports, the veracity and sources of which have been verified by the intelligence agencies. Is there any independent verification we can cite?”
- “In the penultimate para you need to make it clear Saddam could not attack us at the moment. The thesis is he would be a threat to the UK in the future if we do not check him.”²⁵⁹

518. When Mr Campbell sent his and Mr Blair’s comments on the draft dossier to Mr Scarlett on 17 September, he also asked Mr Scarlett for his views on the draft Foreword.²⁶⁰

²⁵⁸ Email Blackshaw to Manning, 17 September 2002, ‘Iraq Dossier Foreword’. The draft was replaced 20 minutes later by a slightly amended version circulated with – Email Hatfield to Powell, 17 September 2002, ‘Revised Dossier Foreword’.

²⁵⁹ Email Powell to Campbell and Manning, 17 September 2002, ‘Re: Revised Dossier Foreword’.

²⁶⁰ Minute Campbell to Scarlett, 17 September 2002, [untitled].

519. Mr Campbell wrote that Mr Blair:

“... has also read my draft Foreword, which I enclose (he will want another look at it before finally signing it off but I’d appreciate your views at this stage).”

520. The draft Foreword was sent to Mr Scarlett by Mr Campbell’s office.²⁶¹

521. The original version of the final paragraph had been amended to read:

“I believe that faced with the information given to me by the JIC in recent months, the UK Government has been right to support the demands that this issue be confronted and dealt with. We must ensure that he does not get to use the weapons he has, or get hold of the weapons he wants.”

522. Mr Scarlett sent suggested changes to the draft Foreword to Mr Campbell on 18 September.²⁶² The changes included:

- The first sentence was revised to state: “The document published today is based, in large part, on the work of the Joint Intelligence Committee (JIC), which is chaired by the Cabinet Office ...”
- The second sentence of the second paragraph was revised to make clear that it was the Government, not the JIC, which was publishing the document.
- The fifth sentence of the fourth paragraph was amended to remove the reference to Mr Blair and Ministers having been briefed on the sources of intelligence and having been satisfied as to the authority of their information. It was amended to state: “I and other Ministers have been briefed in detail on the intelligence and are satisfied as to its authority.”
- A new final sentence was added to the fifth paragraph stating: “I also believe that, as stated in the document, Saddam will now do his utmost to try to conceal his weapons from the UN inspectors.”
- A new final sentence was added to the eighth paragraph stating: “I am quite clear that he will go to extreme lengths, indeed has already done so, to avoid giving them up.”
- The reference to information from the JIC “in recent months”, in the first sentence of the final paragraph, was replaced by the words “over the past three years”.

523. Mr Scarlett also wrote:

“For me the key points are the references to the JIC and the use of intelligence. I am now seeking views of JIC colleagues on this amended text and will revert as soon as possible.”

²⁶¹ Email Blackshaw on behalf of Campbell to Scarlett, 17 September 2002, ‘Views Please’; Email Hatfield on behalf of Campbell to Scarlett, 17 September 2002, [untitled].

²⁶² Email Scarlett to Campbell, 18 September 2002, ‘PM’s dossier foreword’.

524. The same version of the Foreword was sent to members of the JIC with the following message from Mr Scarlett:

“This is under active discussion now and reflects amendments I have made. The aim is to have the text agreed by close of play today. Please come ready to discuss at this afternoon’s JIC meeting.”²⁶³

525. The Government has been unable to find the original document but an email to Sir David Omand and Mr Miller indicates that it was dispatched late morning on 18 September.²⁶⁴

526. Mr Campbell informed Mr Scarlett on 18 September that Mr Blair had “signed off” the Foreword, and that it incorporated “all the points you made on the draft I sent yesterday”.²⁶⁵

527. Sir David Omand responded to Mr Scarlett on 18 September:

“Coming on well. You will have more than enough comment. Highlighted on the attached copy are a few suggested polishings.”²⁶⁶

528. The changes proposed by Sir David included amending:

- the text in the first sentence of the first paragraph, to read: “... in large part, on secret intelligence, as assessed by the Joint Intelligence Committee ...”;
- the third paragraph to read: “In recent months, I have been increasingly alarmed by the evidence from inside Iraq that despite sanctions, despite the damage done to his capability in the past, and despite the UNSCRs expressly outlawing it, and despite his denials, Saddam Hussein is continuing to develop WMD ...”;
- the fifth paragraph by replacing the words “the JIC reports to me have” in the first sentence with the words “the assessed intelligence has”;
- the eighth paragraph by replacing the reference in the second sentence to Saddam Hussein seeing “possession of WMD” as vital to his strategic interests with the phrase “building up of his WMD capability”, and adding a reference in the final sentence to hiding weapons as one of the ways to avoid giving them up; and
- the final paragraph by replacing the reference to information given to Mr Blair by the JIC over the last three years with a reference to the information “available” to Mr Blair.

²⁶³ Note, [18 September 2002], ‘Message from John Scarlett’.

²⁶⁴ Email JIC Action Desk to Omand & Miller, 18 September 2002, ‘Urgent message to JIC members & enclosure’.

²⁶⁵ Email Hatfield on behalf of Campbell to Scarlett, 18 September 2002, ‘Foreword’.

²⁶⁶ Email Omand to JIC Action desk, 18 September 2002, ‘Revised Foreword’ attaching ‘Scarlett amended Draft TB Foreword – dossier.doc’.

529. Sir David Omand told the Inquiry that he did not recall the JIC discussing the text of the Foreword at its meeting on 18 September.²⁶⁷

530. Mr Webb recorded that he had asked for the reference to [JIC] “papers” in the draft to be replaced by “work”, “to reduce the risk of a FOIA [Freedom of Information Act] action succeeding”.²⁶⁸

531. The Inquiry has not seen comments from any JIC members other than Sir David Omand and Mr Webb.

532. Sir David told the Inquiry that he had “highlighted bits that needed polishing” and “sent it back” to Mr Scarlett.²⁶⁹ Some of his comments had been incorporated and some had not.

533. Comparison of the draft texts shows that almost all Sir David Omand’s comments were reflected in a further version of the draft Foreword sent by Mr Scarlett to Mr Campbell on 19 September.²⁷⁰

534. Mr Campbell replied to Mr Scarlett on 19 September:

“Re the foreword, I don’t like the first sentence which makes him sound a bit James Bond-y. Can we discuss?”²⁷¹

535. In the published version of the Foreword, the first sentence did not include Sir David Omand’s proposed amendment.²⁷²

536. Mr Scarlett sent a “final draft version of the dossier” to Mr Campbell on 20 September.²⁷³ He wrote that the Prime Minister’s Foreword was “now incorporated within the overall document”.

537. In his letter to Mr Blair of 4 June 2003, Mr Scarlett wrote:

“The Foreword was drafted by you. I and some JIC members, commented on your draft before it was finalised.”²⁷⁴

²⁶⁷ Public hearing, 20 January 2010, page 19.

²⁶⁸ Minute Webb to PS/Secretary of State [MOD], 20 September 2002, ‘Iraq Dossier’.

²⁶⁹ Public hearing, 20 January 2010, page 22.

²⁷⁰ Email Scarlett to Campbell, 19 September 2002, ‘Dossier Foreword by TB’.

²⁷¹ Email Blackshaw [on behalf of Campbell] to Scarlett, 19 September 2002, [untitled].

²⁷² *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 3.

²⁷³ Minute Scarlett to Campbell, 20 September 2002, ‘Iraqi WMD: Public Presentation of Intelligence Material’ attaching draft dossier, ‘Iraq’s Weapons of Mass Destruction: The Assessment of the British Government’.

²⁷⁴ Minute Scarlett to Prime Minister, 4 June 2003, ‘September 2002 Iraq Dossier’.

538. In a letter to Mr Tam Dalyell on 16 July 2003, Mr Blair wrote:

“I have always made it clear that the Foreword was signed by me and was separate to the Executive Summary and the body of the text of the ... dossier ...

...

“The Foreword was put to the Chairman of the JIC who confirmed at the time that there was nothing which conflicted with the contents of the dossier.”²⁷⁵

539. Asked whether he had drafted the Foreword, Mr Campbell told the ISC that normally he, “Jonathan Powell and others would have ideas and we’d probably have a discussion with the Prime Minister”.²⁷⁶ In relation to the Foreword in the dossier, Mr Blair had been “very ‘hands on’ in terms of what was produced and what was sent ... to John Scarlett”.

540. Mr Scarlett told the ISC that he had checked and amended the draft Foreword “for factual accuracy and consistency with the text”, but he regarded it “as a policy statement by the Prime Minister”.²⁷⁷

541. Mr Campbell told the Hutton Inquiry that he had “prepared a draft [of the Foreword] based upon a discussion with the Prime Minister, and with others, about what should go into that draft”.²⁷⁸

542. Asked about how the Foreword had been produced, Mr Blair told the Hutton Inquiry:

“... as I say in my statement ... I would have told Alastair Campbell what are the items I think that are important, specific points that should be in it, on the basis of the drafts produced ... I should say at this point that probably my statement [to Parliament on 24 September] was the thing I was concentrating most upon.”²⁷⁹

543. In his subsequent evidence to the Hutton Inquiry, Mr Campbell confirmed that the Foreword had been drafted on the basis of a discussion with Mr Blair and Mr Campbell’s colleagues.²⁸⁰

544. Mr Campbell told the Inquiry that Mr Blair had:

“... said in terms intelligence can’t give you the whole picture, intelligence is not necessarily always going to be right, but the intelligence he saw ... and as it was explained to him and as he had repeated discussions and

²⁷⁵ Letter Blair to Dalyell, 16 July 2003, [untitled].

²⁷⁶ The Hutton Inquiry, ‘Extracts of evidence given by Alastair Campbell to ISC 17/07/03’, page 11.

²⁷⁷ Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, Cm5972, September 2003, paragraph 76.

²⁷⁸ The Hutton Inquiry, public hearing, 19 August 2003, page 44.

²⁷⁹ The Hutton Inquiry, public hearing, 28 August 2003, pages 8-9.

²⁸⁰ The Hutton Inquiry, public hearing, 22 September 2003, page 173.

meetings about it, it led him to the conclusion, as he set out in the Foreword, that he did believe it was established beyond doubt that Saddam had continued to produce chemical and biological weapons, that he continued to put his efforts to develop nuclear weapons, and that he has been able to extend the range of his ballistic missile programme, and he sees WMD as essential to his political survival.”²⁸¹

545. Sir Richard Dearlove told the Inquiry that he did not recall seeing the Foreword.²⁸²

The final version of the dossier

546. Mr Scarlett sent a “final draft version of the dossier” to Mr Campbell on 20 September.²⁸³ He wrote that he had taken account of additional comments received over the last 24 hours, and that he was:

“... content that the text now reflects as fully and accurately as possible the intelligence picture on Saddam’s mass destruction weapons.”

547. Copies of the minute and draft dossier were sent to Mr Powell, Sir David Manning, Sir David Omand and “JIC Members”.

548. The draft included Mr Blair’s Foreword. Other changes from the previous draft included:

- the omission of the Conclusions section;
- amendment of the text on nuclear timelines to clarify that “while sanctions remain effective Iraq would not be able to produce a nuclear weapon. If they were removed or prove ineffective, it would take Iraq at least five years to produce sufficient fissile material for a weapon indigenously”;
- removal of the reference to RDDs; and
- omission of the phrase “if he believes his regime is under threat”, in relation to the statement that Saddam Hussein would be willing to use chemical and biological weapons.

549. The text in the published version relating to machines which could be used in a gas centrifuge process was not changed.

550. In response to questioning about his decision to omit the qualifying phrase in relation to Saddam Hussein only using chemical and biological weapons if his regime was under attack, and the impact of that omission on the perception of the threat, Mr Scarlett told Lord Hutton that the change “was as a result of the exercise

²⁸¹ Public hearing, 12 January 2010, page 90.

²⁸² Private hearing, 16 June 2010, page 57.

²⁸³ Minute Scarlett to Campbell, 20 September 2002, ‘Iraqi WMD: Public Presentation of Intelligence Material’ attaching Paper, 20 September 2002, ‘Iraq’s Programme for Weapons of Mass Destruction: The Assessment of the British Government’.

of my professional judgement and that of my colleagues in [the] Assessment Staff”.²⁸⁴ They had been “prompted to look again” at that passage by Mr Powell’s email, of 19 September, in the context of the “instructions from the JIC to keep what we were writing in line with standing JIC assessments and also with recent intelligence”:

“When we looked at it again, we realised ... that there was no standing JIC assessment which made it clear whether we were defining Saddam’s threat ... or CW posture ... as defensive or offensive. More to the point, there was recent reporting, in addition, which was not reflected here, but which was quite clear reporting, which placed his attachment to CBW and the importance that he placed on it very much in the context of his perception of his regional position, his plan to acquire and maintain regional influence and, as one report, and maybe more, put it: to dominate his neighbours. In other words, the recent intelligence was more complex ... Bearing those points in mind, we concluded that this was not right and therefore we took that out.”

551. Mr Webb sent Mr Hoon a copy of the draft dossier on 20 September, advising that it had been “given an extremely restricted circulation (essentially JIC members only)” and that he had “no discretion to copy this document further”.²⁸⁵ Arrangements were being made to brief Opposition leaders, Select Committee chairs and junior ministers on 23 September before the debate on 24 September, and key allies.

552. Mr Webb told Mr Hoon that AM French’s staff had been “closely associated with the preparation of the detail of the dossier” and he understood they were “content from a professional DIS point of view with the judgements” it contained. The paragraphs on the acquisition of aluminium tubes and nuclear timelines were “more cautious” than US Department of Defence views and no consultation with the US was planned “outside intelligence and White House channels”.

553. Mr Webb concluded that he had:

“... some reservations as a JIC member about citing the Committee’s views explicitly (lest we become less usefully direct in our future judgements) but the way this has been achieved has reassured me.

“Overall I am content to recommend the material ...”

554. The record of Mr Scarlett’s meeting at 1300 on 20 September stated that copies of the dossier would be made available for Cabinet on 23 September.²⁸⁶

²⁸⁴ The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* [“The Hutton Report”], paragraph 215.

²⁸⁵ Minute Webb to PS/Secretary of State [MOD], 20 September 2002, ‘Iraq Dossier’.

²⁸⁶ Minute [Cabinet Office] to Rycroft and others, 20 September 2002, ‘Iraq Dossier: Public Handling and Briefing’.

555. Mr Blair had “committed” Mr Scarlett to provide “an intelligence briefing” for the Chairs of the Foreign Affairs and Defence Select Committees and the Intelligence and Security Committee in the week of 16 September.²⁸⁷

556. In a minute to Mr Blair in June 2003, Mr Scarlett wrote:

“As is natural in the JIC drafting process, there was a debate about a number of issues ... but agreement was reached on the final text ...”²⁸⁸

557. Mr Scarlett also wrote:

“The JIC agreed that all intelligence-based sections in the document would be submitted to it before they were finalised. The draft assessment was discussed at the JIC on 11 and 18 September. The final draft was circulated to JIC members on 19 September and subsequently agreed by them. It was sent to me by Alastair Campbell on 20 September²⁸⁹ ... I regarded this as the formal moment at which I was taking responsibility for its contents. I noted to Alastair that the draft Conclusion ... which had been drafted by me and formed part of earlier versions of the document, had been dropped. I regarded it as superfluous.”

558. Mr Scarlett added:

“At no stage in the drafting process set out above was there an attempt, from No.10 or elsewhere, to overrule the judgements of the JIC or my judgement as the person in charge.”²⁹⁰

559. Mr Scarlett stated that the minute had been seen by his colleagues on the JIC.

Iraq’s denial that it had weapons of mass destruction

Iraq informed Mr Kofi Annan, the UN Secretary-General, on 16 September that it had decided to allow the return of inspectors and that it was ready to discuss the practical arrangements with the UN.²⁹¹

In his speech to the UN General Assembly on 19 September, Dr Naji Sabri, the Iraqi Foreign Minister, offered Iraq’s “condolences to the American people, especially the families of the victims” of the 11 September 2001 attacks and told the Security Council that he had been instructed by President Saddam Hussein to convey excerpts from his letter to the General Assembly, which presented “Iraq’s position on the latest developments in the relationship between Iraq and the Security Council”.²⁹²

²⁸⁷ Email Powell to Scarlett, 16 September 2002, ‘Iraq’.

²⁸⁸ Minute Scarlett to Prime Minister, 4 June 2003, ‘September 2002 Iraq Dossier’.

²⁸⁹ Mr Scarlett was, in fact, referring to his minute to Mr Campbell of 20 September 2002, not a minute from Mr Campbell to him.

²⁹⁰ Minute Scarlett to Prime Minister, 4 June 2003, ‘September 2002 Iraq Dossier’.

²⁹¹ Letter Sabri to Annan, 16 September 2002, [untitled].

²⁹² UN General Assembly, ‘Fifty-seventh session 19 September 2002’ (A/57/PV.17).

In the letter, Saddam Hussein declared that Iraq was “totally clear of all nuclear, chemical and biological weapons”; and challenged President Bush’s “insinuation” that Iraq was linked to the attacks on 9/11 and international terrorism.

Iraq’s position in its letters and statements to the UN, and the UK responses, are addressed in more detail in Section 3.5.

Mr Blair’s Foreword

560. In the Foreword to the dossier, Mr Blair emphasised Iraq’s WMD capabilities and the potential threat they posed.²⁹³ The full text of the Foreword is set out in the Box below. The Inquiry has highlighted in bold text the points it regards as particularly important in relation to the assessment of Iraq WMD capabilities and intent.

Mr Blair’s Foreword to the 24 September dossier

The document published today is based, in large part, on the work of the Joint Intelligence Committee (JIC). The JIC is at the heart of the British intelligence machinery. It is chaired by the Cabinet Office and made up of the heads of the UK’s three Intelligence and Security Agencies, the Chief of Defence Intelligence, and senior officials from key government departments. For over 60 years the JIC has provided regular assessments to successive Prime Ministers and senior colleagues on a wide range of foreign policy and international security issues.²⁹⁴

Its work, like the material it analyses, is largely secret. It is unprecedented for the Government to publish this kind of document but **in the light of the debate about Iraq and Weapons of Mass Destruction (WMD), I wanted to share with the British public the reasons why I believe this issue to be a current and serious threat to the UK national interest.**

In recent months, I have been increasingly alarmed by the evidence from inside Iraq that despite sanctions, despite the damage done to his capability in the past, despite the UN Security Council resolutions expressly outlawing it, and despite his denials, Saddam Hussein is continuing to develop WMD, and with them the ability to inflict real damage on the region, and the stability of the world.

Gathering intelligence from inside Iraq is not easy. Saddam’s is one of the most secretive and dictatorial regimes in the world. So **I believe people will understand why the Agencies cannot be specific about the sources, which have formed the judgements in this document, and why we cannot publish everything we know.** We cannot, of course, publish the detailed raw intelligence. **I and other Ministers have been briefed in detail on the intelligence and are satisfied as to its authority.** I also want to pay tribute to our Intelligence and Security Services for the often extraordinary work that they do.

²⁹³ *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 3.

²⁹⁴ The role and composition of the JIC is set out in Section 2.

What I believe the assessed intelligence has established beyond doubt is that Saddam has continued to produce chemical and biological weapons, that he continues in his efforts to develop nuclear weapons, and that he has been able to extend the range of his ballistic missile programme. I also believe that, as stated in the document, Saddam will now do his utmost to try to conceal his weapons from UN inspectors.

The picture presented to me by the JIC in recent months has become more not less worrying. It is clear that, despite sanctions, the policy of containment has not worked sufficiently well to prevent Saddam from developing these weapons.

I am in no doubt that the threat is serious and current, that he has made progress on WMD, and that he has to be stopped.

Saddam has used chemical weapons, not only against an enemy state, but against his own people. Intelligence reports make clear that he sees the building up of his WMD capability, and the belief overseas that he would use these weapons, as vital to his strategic interests, and in particular his goal of regional domination. And the document discloses that his military planning allows for some of the WMD to be ready within 45 minutes of an order to use them.

I am quite clear that Saddam will go to extreme lengths, indeed has already done so, to hide these weapons and avoid giving them up.

In today's interdependent world, a major regional conflict does not stay confined to the region in question. Faced with someone who has shown himself capable of using WMD, I believe the international community has to stand up for itself and ensure its authority is upheld.

The threat posed to international peace and security, when WMD are in the hands of a brutal and aggressive regime like Saddam's, is real. Unless we face up to the threat, not only do we risk undermining the authority of the UN, whose resolutions he defies, but more importantly and in the longer term, we place at risk the lives and prosperity of our own people.

The case I make is that the UN resolutions demanding he stops his WMD programme are being flouted; that since the inspectors left four years ago, he has continued with this programme; that the inspectors must be allowed back in to do their job properly; and that if he refuses, or if he makes it impossible for them to do their job, as he has done in the past, the international community will have to act.

I believe that faced with the information available to me, the UK Government has been right to support the demands that this issue be confronted and dealt with. We must ensure that he does not get to use the weapons he has, or get hold of the weapons he wants.

Key points in the dossier

561. As discussed by the JIC on 11 September, the dossier highlighted the contribution which recent intelligence had made to the assessment of Iraq's activity since 1998 and on Saddam Hussein's readiness to deploy and use chemical and biological weapons.

562. The Executive Summary of the Iraq dossier stated that, in addition to the public evidence on Iraq's weapons of mass destruction and ballistic missiles, the Government had "significant additional information ... from secret intelligence sources" which, although it could not "tell us about everything", provided "a fuller picture of Iraqi plans and capabilities".²⁹⁵

563. In the chapter on the role of intelligence, the dossier stated that intelligence had "provided important insights into Iraqi programmes and Iraqi military thinking", and that:

"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 in the public domain."

564. The dossier stated that the chapter on the current position set out "what we know of Saddam Hussein's chemical, biological, nuclear and ballistic missile programmes, drawing on all the available evidence".²⁹⁶ It drew "heavily on the latest intelligence about Iraqi efforts to develop their programmes and capabilities since 1998" to support a list of "**main conclusions**", including that Saddam Hussein continued:

"... 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 ..."

CHEMICAL AND BIOLOGICAL WEAPONS

565. The dossier stated that, by 1991, Iraq had produced more than 16,000 free-fall bombs and more than 110,000 artillery rockets and shells for the delivery of chemical and biological agents.²⁹⁷ It had also admitted to having 50 chemical and 25 biological warheads available for ballistic missiles.

566. UNSCOM had destroyed 30 of the warheads filled with chemical agents.²⁹⁸ It had also destroyed chemical munitions, agent and precursors and biological seed stocks and growth media, and dismantled or destroyed chemical and biological production facilities.

567. The dossier challenged Iraq's claims that chemical agents produced before 1991 would have deteriorated sufficiently to render them harmless and that it had destroyed all its biological weapons and agent.²⁹⁹

²⁹⁵ *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 5.

²⁹⁶ *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 17.

²⁹⁷ *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 15.

²⁹⁸ *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 40.

²⁹⁹ *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 19.

568. Addressing the chemical and biological weapons and material Iraq might have produced or obtained, which UNSCOM had been unable to account for when it left, the dossier quoted the figures given to Parliament by Mr Straw on 2 May 2002, including “over 30,000 special munitions for delivery of chemical and biological agents.”³⁰⁰ It added:

“The departure of UNSCOM meant that the international community was unable to establish the truth behind these large discrepancies and greatly diminished its ability to monitor and assess Iraq’s continuing attempts to reconstitute its programmes.”

569. In respect of chemical and biological weapons, the Executive Summary stated:

“As a result of that intelligence, we judge that Iraq has:

- continued to produce chemical and biological agents;
- 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;
- command and control arrangements in place to use chemical and biological weapons. Authority ultimately resides with Saddam Hussein. (There is intelligence that he may have delegated this authority to his son Qusay);
- developed mobile laboratories for military use, corroborating earlier reports about the mobile production of biological warfare agents;
- pursued illegal programmes to procure controlled material of potential use in the production of chemical and biological weapons programmes ...”³⁰¹

570. In its “**main conclusions**”, the dossier stated:

- “Iraq has a usable chemical and biological weapons capability ... which has included recent production of chemical and biological agents.”
- “Iraq can deliver chemical and biological agents using an extensive range of artillery shells, free-fall bombs, sprayers and ballistic missiles.”
- “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.”³⁰²

571. In the main text, the dossier stated that the JIC had, in the last six months, “confirmed its earlier judgements on Iraqi chemical and biological warfare capabilities and assessed that Iraq has the means to deliver chemical and biological weapons”.³⁰³

³⁰⁰ *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 16.

³⁰¹ *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, pages 5-6.

³⁰² *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 18.

³⁰³ *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 18.

572. In a section on “**Recent Intelligence**”, the dossier stated:

“Subsequently intelligence has become available from reliable sources which complements and adds to previous intelligence and confirms the JIC assessment that Iraq has chemical and biological weapons. The intelligence also shows that the Iraqi leadership has been discussing a number of issues related to these weapons. This intelligence covers:

- **Confirmation that chemical and biological weapons play an important role in Iraqi military thinking:** intelligence shows that Saddam attaches great importance to the possession of chemical and biological weapons which he regards as being the basis for Iraqi regional power. He believes that respect for Iraq rests on its possession of these weapons and the missiles capable of delivering them. Intelligence indicates that Saddam is determined to retain this capability and recognises that Iraqi political weight would be diminished if Iraq’s military power rested solely on its conventional military forces.
- **Iraq’s attempts to retain its existing banned weapon systems:** Iraq is already taking steps to prevent the UN weapons inspectors finding evidence of its chemical and biological weapons programme. Intelligence indicates that Saddam has learnt lessons from previous weapons inspections, has identified possible weak points in the inspections process and knows how to exploit them. Sensitive equipment and papers can easily be concealed and in some cases this is already happening. The possession of mobile biological agent production facilities will also aid concealment efforts. Saddam is determined not to lose the capabilities that he has been able to develop further in the four years since inspectors left.
- **Saddam’s willingness to use chemical and biological weapons:** 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 and biological weapons within 45 minutes of an order to do so.”³⁰⁴

573. In a section on “**Chemical agent: production facilities**”, the dossier stated: “Intelligence shows that Iraq has continued to produce chemical agent.”³⁰⁵

574. In a similar section on “**Biological agent: production facilities**”, the dossier stated: “We know from intelligence that Iraq has continued to produce biological warfare agents.”³⁰⁶

³⁰⁴ *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, pages 18-19.

³⁰⁵ *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 19.

³⁰⁶ *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 21.

575. The dossier also stated:

“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.”³⁰⁷

576. Summarising the section on chemical and biological weapons, the dossier stated:

“Intelligence shows that Iraq has covert chemical and biological weapons programmes ... and has continued to produce chemical and biological agents. Iraq has:

- chemical and biological weapons available, both from pre-Gulf War stocks and more recent production;
- the capability to produce the chemical agents ...
- a biological agent production capability ... Iraq has also developed mobile facilities to produce biological agents;
- ...”³⁰⁸

NUCLEAR WEAPONS

577. The dossier stated that Iraq’s aim pre-1991 “was to produce a missile warhead with a 20-kiloton yield and weapons designs were produced for the simplest implosion weapons”.³⁰⁹ Iraq had pursued a number of programmes to produce highly enriched uranium, for the warhead. The enrichment programmes had made little progress before the Gulf Conflict, but the nuclear programme was supported by a large body of expertise, programme documentation and databases and manufacturing infrastructure.

578. In respect of nuclear weapons, the Executive Summary stated:

“Iraq had:

- 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;
- recalled specialists to work on its nuclear programme”.³¹⁰

³⁰⁷ *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 22.

³⁰⁸ *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, pages 23-24.

³⁰⁹ *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, pages 13-14.

³¹⁰ *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 6.

579. In its “**main conclusions**”, the dossier stated:

“Iraq continues to work on developing nuclear weapons ... Uranium has been sought from Africa that has no civil nuclear application ...”³¹¹

580. The dossier stated that the JIC assessed that Iraq had continued its nuclear research after 1998 and “drew attention to intelligence that Iraq had recalled its nuclear scientists to the programme in 1998”. “Since 1998 Iraq had been trying to procure items that could be for use in the construction of centrifuges ...”³¹²

581. In a section on “**Iraq’s nuclear weapons expertise**”, the dossier stated:

- The IAEA had dismantled the physical infrastructure of Iraq’s nuclear weapons and removed the remaining highly enriched uranium, “But Iraq retained, and retains many of its experienced nuclear scientists and technicians who are specialised in the production of fissile material and weapon design. Intelligence indicates that Iraq also retains the accompanying programme documentation and data.”
- “Intelligence shows that the present Iraqi programme is almost certainly seeking an indigenous capability to enrich uranium for a nuclear weapon ...”
- “Following the departure of the inspectors in 1998 there has been an accumulation of intelligence indicating that Iraq is making concerted covert efforts to acquire dual-use technology and material with nuclear applications.”
- “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 ... legitimate reason to acquire uranium.”
- Intelligence showed that Iraq had attempted to purchase other items that could be used in a nuclear programme, including “repeated attempts covertly to acquire a very large quantity (60,000 or more) of specialised aluminium tubes” with a “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”.³¹³

582. The judgements in the dossier about the timelines Iraq would need to acquire a nuclear weapon are addressed earlier in this Section.

³¹¹ *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 17.

³¹² *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 24.

³¹³ *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, pages 24-26.

BALLISTIC MISSILES

583. In respect of ballistic missiles, the Executive Summary stated:

“As a result of that intelligence, we judge that Iraq has:

- illegally retained up to 20 Al Hussein missiles, with a range of 650km, capable of carrying chemical or biological warheads;
- started deploying its Al Samoud liquid propellant missile, and has used the absence of weapons inspectors to work on extending its range to at least 200km ...
- started producing the ... Ababil-100, and is making efforts to extend its range to at least 200km ...
- constructed a new engine test stand for the development of missiles capable of reaching the UK Sovereign Base Areas in Cyprus and NATO members (Greece and Turkey), as well as all Iraq’s Gulf neighbours and Israel;
- pursued illegal programmes to procure materials for use in its illegal development of long-range missiles ...”³¹⁴

584. In its “**main conclusions**”, the dossier stated:

“Iraq possesses extended-range versions of the SCUD ballistic missile ... which are capable of reaching Cyprus, Eastern Turkey, Tehran and Israel. It is also developing longer-range missiles ...”³¹⁵

585. The dossier stated that the JIC:

- drew attention in mid-2001 to a “step change” in progress on Iraq’s missile programme over the preceding two years, and that “work was under way on larger engines for longer-range missiles”; and
- concluded in early 2002 that “Iraq had begun to develop missiles with a range of over 1,000kms”, but it assessed that “if sanctions remained effective”, Iraq “would not be able to produce such a missile before 2007”.

586. In a section on Iraq’s ballistic missile programme since 1998, the dossier stated:

- Iraq had retained up to 20 Al Hussein missiles that “could be used with conventional, chemical or biological warheads and, with a range of 650km are capable of reaching a number of countries in the region including Cyprus”.
- “Intelligence has confirmed that Iraq wants to extend the range of its missiles systems to over 1,000km, enabling it to threaten other regional neighbours.”
- “Iraq’s missile programmes employ hundreds of people.”

³¹⁴ *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 6.

³¹⁵ *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 17.

- The engine test facility being constructed at al-Rafah would “be capable of testing engines” with ranges over 1,000km and “would not be needed” for systems within the 150km permitted range.
- Iraq had “managed to rebuild much of the missile production infrastructure” destroyed in 1991 and 1998 and new missile-related infrastructure was “under construction”.
- “Despite a UN embargo, Iraq has also made concerted efforts to acquire additional production technology ...”³¹⁶

FUNDING FOR THE WMD PROGRAMME

587. The Executive Summary of the dossier stated that Iraq had an illegal income of some US\$3bn from “illicit earnings generated outside UN control”.³¹⁷

588. The dossier acknowledged that the proportion of those funds that was used to develop or acquire military equipment was unknown, but stated:

“... we have seen no evidence that Iraqi attempts to develop its weapons of mass destruction and its ballistic missile programme ... has been inhibited in any way by lack of funds. The steady increase [in illicit funds] over the last three years in the availability of funds will enable Saddam to progress the programmes faster.”

Questions about the judgements in the dossier

589. The judgements expressed in the dossier and how they were reached have already been examined by the Foreign Affairs Committee, the Intelligence and Security Committee (ISC) and Inquiries led by Lord Hutton and Lord Butler.

590. The report of the House of Commons Foreign Affairs Committee (FAC), *The Decision to go to War in Iraq* (HC 813-1), was published on 7 July 2003.³¹⁸ It sought to “establish whether the Foreign and Commonwealth Office (FCO), within the Government as a whole, presented accurate and complete information to Parliament in the period leading up to military action in Iraq, particularly in respect of weapons of mass destruction”.

591. The report of the Intelligence and Security Committee (ISC), *Iraqi Weapons of Mass Destruction – Intelligence and Assessments* (Cm 5972), was published in

³¹⁶ *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, pages 27-30.

³¹⁷ *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 7.

³¹⁸ Ninth Report from the Foreign Affairs Committee, Session 2002-2003, *The Decision to go to War in Iraq*, HC 813-1.

September 2003.³¹⁹ The ISC stated that it had “looked at the supporting intelligence in critical areas to ensure that the [JIC] Assessments reflected the intelligence correctly”.

592. *The Report of the Inquiry into the Circumstances Surrounding the Death of Dr David L Kelly CMG* by Lord Hutton (“The Hutton Inquiry”, HC 247), was published on 28 January 2004.³²⁰

593. In relation to the question of whether the judgements were improperly influenced by Mr Campbell or No.10, Lord Hutton concluded:

“Mr Campbell made it clear to Mr Scarlett on behalf of the Prime Minister that 10 Downing Street wanted the dossier to be worded to make as strong a case as possible in relation to the threat posed by Saddam Hussein’s WMD, and 10 Downing Street made written suggestions to Mr Scarlett as to changes in the wording of the draft dossier which would strengthen it. But Mr Campbell recognised, and told Mr Scarlett that 10 Downing Street recognised, that nothing should be stated in the dossier with which the intelligence community were not entirely happy.

“Mr Scarlett accepted some of the drafting amendments suggested to him by 10 Downing Street but he only accepted those suggestions which were consistent with the intelligence known to the JIC and he rejected those suggestions which were not consistent with such intelligence and the dossier ... was approved by the JIC.

“As the dossier was one to be presented to, and read by, Parliament and the public ... I do not consider that it was improper for Mr Scarlett and the JIC to take into account suggestions as to drafting made by 10 Downing Street and to adopt those suggestions if they were consistent with the intelligence available to the JIC. However I consider that the possibility cannot be completely ruled out that the desire of the Prime Minister to have a dossier which, whilst consistent with the available intelligence, was as strong as possible in relation to the threat posed by Saddam Hussein’s WMD, may have subconsciously influenced Mr Scarlett and other members of the JIC to make the wording of the dossier somewhat stronger than it would have been if it had been contained in a normal JIC Assessment. Although this possibility cannot be completely ruled out, I am satisfied that Mr Scarlett, the other members of the JIC, and the members of the Assessment Staff engaged in the drafting of the dossier were concerned to ensure that the contents of the dossier were consistent with the intelligence available to the JIC.

“The term ‘sexed-up’ is a slang expression, the meaning of which lacks clarity in the context of the discussion of the dossier. It is capable of two different meanings.

³¹⁹ Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972.

³²⁰ *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David L Kelly CMG* by Lord Hutton [“The Hutton Inquiry”], 28 January 2004, HC 247, pages 2-3.

It could mean that the dossier was embellished with items of intelligence known or believed to be false or unreliable ... or it could mean ... that the dossier was drafted in such a way as to make the case against Saddam Hussein as strong as the intelligence contained in it permitted. If the term is used in this latter sense, then because of the drafting suggestions made by 10 Downing Street for the purpose of making a strong case against Saddam Hussein, it could be said that the Government 'sexed up' the dossier. However ... I consider that the allegation ... that the dossier had been embellished with intelligence known or believed to be false or unreliable, which was not the case."³²¹

594. The *Review of Intelligence on Weapons of Mass Destruction* by a Committee of Privy Counsellors chaired by Lord Butler of Brockwell ("The Butler Report", HC 8980), was published on 14 July 2004.³²²

595. Describing the purpose of the dossier, the Butler Report stated:

"... 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."³²³

596. The Butler Report also stated:

- "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."³²⁴
- **"... the language of 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 24 September] of the picture painted by the intelligence services in the dossier as 'extensive, detailed and authoritative' may have reinforced this impression."³²⁵

³²¹ The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* ["The Hutton Report"], paragraph 228.

³²² *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898.

³²³ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 319.

³²⁴ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 327.

³²⁵ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 464.

597. The Iraq Inquiry has drawn on the evidence offered to those Inquiries, and their analysis and conclusions, in reaching a view on the aspects of the dossier addressed in the following paragraphs.

Defence Intelligence Staff concerns

598. During the drafting of the dossier, questions were raised by staff in the DIS about the basis for the judgements on Iraq's chemical and biological weapons capabilities and its intent to use chemical and biological weapons.

599. The DIS comments on the draft dossier on 17 September, expressing concerns that some of the statements on chemical and biological weapons in the draft could not be substantiated by the intelligence seen by the DIS, which were discussed in Mr Miller's meeting that morning, are set out earlier in this Section.

600. Mr Miller confirmed that no minute was taken of the meeting.³²⁶

601. Mr Scarlett told the Hutton Inquiry that the DIS comments had been discussed by the formal drafting group on 17 September and that:

"They were dealt with within that process and they were not brought forward by the DIS senior management to the level of the JIC."³²⁷

602. Mr Cragg told the Hutton Inquiry that, at the meeting on 17 September, "it was agreed that the SIS representative would make further representations" to the DIS about the "very tightly held intelligence [the report of 11 September]" and that the SIS representative had spoken to Dr Paul Roper, DIS Director of Science and Technology, and told him that "SIS believed it was good intelligence".³²⁸

603. Mr Cragg told Lord Hutton that it was reported to him that the concern about the discontinuity between the main text of the dossier and the Executive Summary had been:

"... put ... down to the fact that the Executive Summary pulled together or reflected not merely recent intelligence which was ... contained in the main text, but also the general context of the new intelligence which had been received, such as the knowledge, which we had had for many years, of the capabilities of the Iraqis in their use of chemical weapons and also our knowledge that they had commander control arrangements for the use of these weapons in place."³²⁹

604. Mr Scarlett subsequently told the Hutton Inquiry that, after the meeting on 17 September, Mr Miller had reported the DIS concerns about the statements on the production of "CW agent", because it related to "the existence of additional

³²⁶ The Hutton Inquiry, public hearing, 11 August 2003, page 160.

³²⁷ The Hutton Inquiry, public hearing, 23 August 2003, page 67.

³²⁸ The Hutton Inquiry, public hearing, 15 September 2003, pages 37-38.

³²⁹ The Hutton Inquiry, public hearing, 15 September 2003, page 27.

compartmented intelligence [the SIS report of 11 September]", which had not been seen by the DIS, "which was underpinning the judgement".³³⁰ He had been told that arrangements had been made to brief "DIS management" on the intelligence. Mr Scarlett added that, in the absence of comment on that point in the DIS comments on the draft dossier on 19 September, silence had been taken as assent.

605. Sir John Scarlett told the Iraq Inquiry that he "was aware that there had been questioning from within the DIS about the fact that they hadn't seen the compartmented [11 September] report". He and Mr Miller had "agreed that it would be necessary" for the DIS to be shown the report and, as far as he was concerned, "that happened" and there was "no further awareness" on his part.³³¹

606. In a minute on 19 September to Dr Roper, Dr Brian Jones, the branch head of the nuclear, biological and chemical section in the Scientific and Technical Directorate of the Defence Intelligence Staff, wrote:

"1. ... the generation of the Iraqi dossier which, in the last two weeks has involved a number of iterations which have incorporated new intelligence. It is my understanding that some of the intelligence has not been made available to my branch. Because of this they have had to express their reservations on several aspects of the dossier. Most of these have been resolved. However a number remain ... and it is important that I note for you at this stage the remaining areas where we are unable to confirm the statements made on the basis of the information available to my branch.

"2. Although we have no problem with a judgement based on intelligence that Saddam attaches great importance to possessing WMD we have not seen the intelligence that 'shows' this to be the case. Nor have we seen intelligence that 'shows' he does not regard them only as a weapon of last resort, although our judgement is that it would be sensible to assume that he might use them in a number of other scenarios. The intelligence we have seen indicates rather than 'shows' that Iraq has been planning to conceal its WMD capabilities, and it would be ... reasonable to assume that he would do this.

"3. We have a number of questions in our minds relating to the intelligence on military plans for the use of chemical and biological weapons, particularly about the times mentioned and the failure to differentiate between the two types of weapon.

"4. 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. Whilst we are even more convinced that Iraq has continued to produce BW agent (on the basis of mobile production intelligence) we would not go so far as to say that we 'know' this to be the case.

³³⁰ The Hutton Inquiry, public hearing, 23 September 2003, pages 110-111.

³³¹ Private hearing, 5 May 2010, page 47.

“5. Finally ... we are pleased that the claim that Iraq used aflatoxin against the Shia uprising has been excluded from the dossier but we are concerned that the claim in relation to mustard remains as we consider the evidence to be weak.”³³²

607. Dr Jones sent a copy of his minute to the office of Mr Cragg and others in the Defence Intelligence Staff.

608. The following day, the chemical warfare expert in Dr Jones’ team wrote to Dr Roper setting out in detail his concerns about aspects of the dossier.³³³

609. In relation to the statement in the draft Foreword, that Mr Blair believed that the “assessed intelligence has established beyond doubt” that “Saddam has continued to produce chemical and biological weapons”, the minute stated:

“I acknowledge that in this statement the Prime Minister will be expressing his own ‘belief’ about what the assessed intelligence has established. What I wish to record is that based on the intelligence available to me it has NOT established beyond doubt that Saddam has continued to produce chemical [and biological] weapons.”

610. Addressing the statement in the Foreword that “military planning allows for some of the WMD to be ready within 45 minutes of an order to use them”, and a “similar statement” in the dossier, the minute stated:

“This is reported as a fact whereas the intelligence comes from a single source. In my view the intelligence warrants no stronger a statement than ‘... intelligence suggest that military planning allows ...’”

611. Addressing the judgement in paragraph 6 of the Executive Summary, that Iraq had “continued to produce chemical and biological agents”, the minute stated:

“I have seen intelligence that suggests that production of chemical agents has continued but in my judgement this warrants no stronger statement than ‘Iraq has ... *probably* continued to produce chemical [and biological] agents.’”

612. Addressing the judgement in paragraph 6 of the Executive Summary, that “Some of these weapons are deployable within 45 minutes of an order to use them”, the minute stated:

“It is not clear what is meant ... The judgement is too strong considering the intelligence on which it is based.”

³³² Minute Jones to Roper, 19 September 2002, ‘Iraq Dossier’.

³³³ Minute [DIS junior official] to DIST, 20 September 2002, ‘Iraq Dossier’.

613. In relation to statements in Chapter 3 of the dossier, the minute stated:

- Paragraph 1, first bullet: the “statement about ‘recent production of chemical [and biological] agents’” could not “be supported” by the intelligence available to the author.
- Paragraph 5, first bullet: the author believed that the statement that “Intelligence shows that Saddam attaches great importance to the possession of chemical [and biological] weapons” was “far too strong” and “in contrast to other statements in this paragraph which use the term ‘intelligence indicates that’ which is more balanced”.
- Paragraph 8, first bullet: the intelligence available to the author warranted a statement “no stronger” than “Iraq has probably continued to produce chemical agent”, not the statement that “Intelligence shows that Iraq has continued to produce chemical agent.”

614. The minute was copied to Mr Cragg’s office and to Dr Jones.

615. Dr Jones told Lord Hutton that the “problems” with the 45 minutes report of 30 August “fell into three categories”. The information was “second-hand”; it “did not differentiate between ... chemical ... or ... biological weapons”; and there was “a lack of collateral intelligence”.³³⁴

616. Dr Jones explained that the circumstances in which it would be important to deliver biological weapons within 45 minutes “would be fairly special circumstances” and that “had pushed us into thinking perhaps we were talking about chemical weapons”. It was “easy” to put chemical and biological weapons:

“... together in a collective term ... But there was an element of doubt coming into our analysis ... We would have looked, normally, for further definitions to feel really comfortable ...”

617. Dr Jones also stated that they had been “worried” by the absence of evidence relating to the production of chemical agents and that:

“We had not seen the weapons being produced. We had no evidence of any recent testing or field trials ... So that all cast some doubts in our mind on that particular piece of intelligence.”

618. Dr Jones told Lord Hutton that he thought the intelligence was “important” but the references in the draft dossier were “too strong”. It was:

“... reasonable to say that the intelligence indicated that this was the case ... but ... we did not think the intelligence showed it absolutely beyond any shadow of doubt.”

³³⁴ The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* [“The Hutton Report”], paragraph 190.

619. Dr Jones told Lord Hutton that he had been informed of the concerns of his staff about the statements on the “continued production of chemical and biological agents”; and that there “was said to be additional intelligence that actually had it been available to us would have removed those concerns”.³³⁵ He had discussed the issue with his Director, Dr Roper. Dr Roper had not seen the intelligence but “a senior official from one of the ... agencies” had “suggested to him that the intelligence judgements that were being made in the dossier were in fact okay because ... they were supported by the additional intelligence”. Dr Jones added that he had said the DIS should express a reservation about the language.

620. Dr Jones subsequently stated that his staff had “no evidence that significant production had taken place either of chemical warfare agent or chemical weapons”.³³⁶

621. Dr Jones also stated that the DIS had “not seen the weapons being produced. We had no evidence of any recent testing or field trials ...”.³³⁷

622. Asked what he had done following receipt of Dr Jones’ minute, Mr Cragg told the Hutton Inquiry that he had:

“... taken the view that on the question of the 45 minutes and of the chemical weapon production, this had already been considered at length with the Cabinet Office in their meeting of 17 September and that I was satisfied with the decisions reached and consequently with the wording of the dossier at that point. On the ... importance attached to the possession of chemical weapons, the absence of proof ... they are not seen ... as weapons of last resort. And the absence of ... definitive proof, that efforts are being made to conceal them. I took the view on each of those there had been much intelligence over the years, not merely in the last few weeks ... which sustained the view taken in the dossier.”³³⁸

623. Asked whether Dr Jones’ minute of 19 September 2002 was “strong language for intelligence personnel”, Mr Cragg replied:

“Yes. I was quite surprised to receive the minute because ... we had tried to explain what the situation was, certainly on the production issue and, as far as I can tell also perhaps, although I am not certain, on the 45 minutes.”³³⁹

624. Mr Cragg stated that he had “taken the view that since all the issues had either been discussed with the Cabinet Office or were well within the general thrust of known intelligence that it was not necessary to raise the issue with Mr Scarlett”.³⁴⁰

³³⁵ The Hutton Inquiry, public hearing, 3 September 2003, pages 83-85.

³³⁶ The Hutton Inquiry, public hearing, 3 September 2003, page 86.

³³⁷ The Hutton Inquiry, public hearing, 3 September 2003, page 93.

³³⁸ The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* [“The Hutton Report”], paragraph 194.

³³⁹ The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* [“The Hutton Report”], paragraph 194.

³⁴⁰ The Hutton Inquiry, public hearing, 15 September 2003, page 41.

625. Mr Cragg stated:

“... the dossier reflected the JIC Assessments on the recent intelligence; and the JIC Assessments were an accurate reflection, put into context, of the intelligence itself. So it was a flow of perfectly reputable intelligence conveyed by the Assessment Staff and ourselves into the JIC Assessment and thence into the dossier.

...

“... I am quite sure ... the dossier ... does not go beyond ... available intelligence.”³⁴¹

626. Mr Cragg stated that he had subsequently held a meeting with the Director of Global Issues, the Director of Science and Technology and the DIS staff who had attended the Assessment Staff meeting. He had been told, in relation to the 45 minute intelligence:

“... firstly, on the actual detailed intelligence, recent intelligence underpinning the main text and partly the Executive Summary, that the Secret Intelligence Service, SIS, were satisfied that the source was established and reliable and ... they supported the reporting, which had already been included in a JIC Assessment on 9 September.

...

“... My staff also reported ... there had been a discussion ... of the general context in which the new intelligence had appeared which convinced them that it was quite reasonable to take the line they did in Executive Summary concerning the likelihood or the capability of the Iraqis to deploy weapons of mass destruction within 45 minutes of a decision to do so.

...

“... I understand from my staff that there was a discussion of the validity of the source, which would almost certainly have included whether it was single source.”

627. Mr Cragg added that a:

“... single source has to be looked at with some care; but this was a known source, established and reliable with a good reporting record. And the statements he was making, the intelligence he was providing was well in context of known Iraqi approaches.

...

“So in that sense – I think Mr Scarlett said it fairly clearly – there were no qualms about including this reporting.”

³⁴¹ The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* [“The Hutton Report”], paragraph 197.

628. AM French confirmed to the Hutton Inquiry that, having seen Dr Jones' minute of 19 September, he had been content with the dossier.³⁴²

629. In response to a question about whether Mr Scarlett had "tightened" the language in the dossier in the draft of 18 September, to take account of the points raised by Mr Campbell in his minute of 17 September rather than the points raised by the DIS the same day, Mr Cragg replied: "Yes."³⁴³

630. Asked about the way in which he had dealt with the comments provided by the DIS and Mr Campbell on 17 September, Mr Scarlett told the Hutton Inquiry that the issues raised by the DIS had been discussed in Mr Miller's meeting before Mr Campbell's minute was received.³⁴⁴

631. Mr Scarlett told Lord Hutton that the intelligence on weapons being available for use within 45 minutes "came from an established and reliable source quoting a senior Iraqi military officer in a position to know this information".³⁴⁵ It had been "judged straight away that the intelligence was consistent with established JIC judgements on the command control and logistical arrangements and capabilities of the Iraqi armed forces ... [F]or the first time in our reporting it gave a particular time, gave some precision."

632. Mr Scarlett stated that:

- It had been agreed that the Assessments Staff would look again at the Assessment and the intelligence report to "bring the text ... into line with what the Assessment and the intelligence said".
- In relation to the DIS suggestion that the wording in the Executive Summary should be qualified by adding "intelligence suggests that", the Assessments Staff had taken the view that "it was not possible to qualify" its judgement in that way: "It was not a summary of the main points in the text, it was a judgement."

633. Mr Scarlett stated that the main text in the dossier was redrafted to reflect the "original intelligence which contained no caveat of uncertainty" and the JIC Assessment.³⁴⁶

³⁴² The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* ["The Hutton Report"], paragraph 195.

³⁴³ The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* ["The Hutton Report"], paragraph 192.

³⁴⁴ The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* ["The Hutton Report"], paragraph 214.

³⁴⁵ The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* ["The Hutton Report"], paragraph 184.

³⁴⁶ The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* ["The Hutton Report"], paragraph 214.

634. The JIC Assessment of 9 September stated:

“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.”³⁴⁷

635. In response to a series of questions intended to elicit whether the “assessors” should have had regard to the fact that they did not know to which munitions the report referred, where they were, and that the information was second-hand, albeit relayed through a reliable intermediary, Mr Scarlett replied:

“You are talking as if the assessors ... operate in a vacuum. They do not. They are assessing individual reports against the background of their knowledge. This was a point of precision, to an assessment which already existed about the capability of the Iraqi armed forces in this area.”³⁴⁸

636. Mr Scarlett subsequently stated: “The sentence in the [JIC] Assessment was referring to the intelligence report ... It was not looking at it in the wider context.” That was “taken into account in the main body of the text” but the judgement in the Executive Summary “was a different point”; it did “not just confine itself to one intelligence report”.

637. The Iraq Inquiry wrote to Air Chief Marshal Sir Joe French, Mr Cragg, and Dr Roper asking a number of specific questions about whether they had seen or been briefed on the report of 11 September, and with whom they had discussed the issues that arose.

638. In his statement, ACM French confirmed that he had seen the 11 September report but he “did not receive any further briefing on it”.³⁴⁹ He had not discussed the distribution of the report with either Mr Cragg or Dr Roper and could not “remember receiving any advice or briefing” on it from them. Nor could he “remember detail of the discussion” at any JIC meeting.

639. Asked whether he had asked for the report to be made available to the relevant experts in the DIS for their assessment, ACM French wrote:

“Given the way the compilation of the dossier was being handled with the involvement of the specialists/experts from across the intelligence community, including the DIS, I would have expected them to [be] given the background to this intelligence if not access to the report itself. This was a regular occurrence where intelligence initially on limited distribution would be shared at the experts

³⁴⁷ JIC Assessment, 9 September 2002, ‘Iraqi Use of Chemical and Biological Weapons – Possible Scenarios’.

³⁴⁸ The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* [“The Hutton Report”], paragraph 214.

³⁴⁹ Statement, 9 June 2011.

level to allow common understanding of issues for the drafting of cross intelligence community reports and studies commissioned by the JIC.”

640. ACM French also wrote that he had not discussed the concerns raised by DIS staff with Mr Scarlett, Mr Miller, or any member of the Assessments Staff. He could not “remember the specific discussion” with Mr Cragg or Dr Roper but added:

“... in the regular staffing of JIC papers, the dossier included, it was not unusual for subject matter experts to have differences of opinion over the emphasis given to specific strands of intelligence and those concerns would be raised with me for consideration before final clearance.”

641. Asked on what basis he had given formal DIS endorsement to the judgements in the dossier given the advice of some members of the DIS that the final draft was, in some respects, stronger than the intelligence indicated, ACM French wrote:

“The fact that individuals expressed concern was part of the usual process of debate and assessment which went on regularly within the DIS and within the wider intelligence community as a prelude to a consensus being reached by the JIC. My judgement was that the well tried due process had been followed and I was content with the final draft of the dossier.”

642. In his statement to the Iraq Inquiry, Mr Cragg wrote that he had not seen the report and that he had had “no discussions at the time” with “anybody” about its contents and implications because he “had not received it or had any knowledge of its contents or source”.³⁵⁰ He had “asked Dr Roper to inform Dr Jones ... of the strict compartmenting of the report at the earliest opportunity”.

643. Asked about his response to the concerns raised by DIS staff, Mr Cragg wrote that he had had “a brief discussion with Dr Roper on 17 September about the [DIS] comments on the draft of 16 September”. He had “interrupted a meeting” he was holding with Dr Roper and the DIS Director of Global Issues on 17 September to allow them to hear an account of the meeting held by Mr Miller. The DIS officials who had attended the meeting reported that “the SIS participant had informed them that particularly sensitive intelligence on the production of chemical and biological agent had very recently been received which supported the formulation in the draft”; and that Mr Miller “had concurred” with that. The SIS representative had also informed them that the distribution would be extremely limited.

644. Mr Cragg did not attend the JIC meeting on 11 September. He wrote that the 11 September SIS report was not discussed at the JIC meeting on 18 September.

645. Mr Cragg saw a copy of Dr Jones’ minute to Dr Roper of 19 September in which he stated that he and his staff “considered that in their judgement Iraq was probably

³⁵⁰ Statement, 15 June 2011.

producing chemical and biological agents but they had not seen the intelligence to 'show' this". Dr Jones also reported that they "were even more convinced that Iraq had continued to produce biological agents but that they would not go so far as to say that they 'know' this".

646. Mr Cragg wrote that he had not discussed the minute with Dr Jones or Dr Roper "because I read it after the working day and saw it as reiterating that neither he [Dr Jones] nor his staff had seen the compartmented intelligence to support the formulation in the draft, while at the same time confirming that the judgement of the dossier on this issue was probably right". He did not raise the matter with Mr Scarlett, Mr Miller or the Assessments Staff, "because it was well known to the drafters of the dossier that the DIS' scientific staff had not seen the recent compartmented intelligence on the current production of chemical and biological agent".

647. Mr Cragg was absent from the office from 20 to 24 September. He wrote that he was:

"... satisfied with the draft of 19 September, which was substantially the same as that of 20 September. I took the view that the judgement in the dossier on the current production of chemical and biological agent in the Executive Summary and the formulation in the main text was justified by the available intelligence on production, including in the JIC Assessment of 9 September and my awareness that the compartmented intelligence was seen as reliable. It was also consistent with our overall assessment of Iraqi WMD capabilities."

648. In his statement to the Iraq Inquiry, Dr Roper confirmed that he had discussed Dr Jones' minute of 19 September with him on 23 September and that he could not:

"... recall all that was discussed; I sensed he was annoyed that so much had been happening whilst he had been away. I do remember asking him a specific question along the lines of 'Are you telling me you do not believe there is WMD in Iraq?' His reply was along the line: 'No I am not saying that, on balance I believe there is WMD in Iraq but not with the degree of conviction implied in the draft dossier'".³⁵¹

649. Dr Roper wrote that Mr Cragg had raised Dr Jones' letter with him "possibly later that day [23 September]". Dr Roper described Mr Cragg as "annoyed" that the letter had been sent; and that Mr Cragg "seemed content" when Dr Roper relayed the gist of his conversation with Dr Jones.

³⁵¹ Statement, 27 May 2011.

650. Dr Roper wrote that he was “more concerned” by a letter sent by the chemical warfare expert in Dr Jones’ team on 20 September, which they had discussed with the CW expert the following week. The CW expert had:

“... explained his understanding of the CW position in Iraq noting that there had been thousands of tonnes of chemical agent, much of it destroyed by UNSCOM, but he noted that he couldn’t rule out the existence of a few hundred tonnes of unaccounted stock some of which could retain potency. However his key point was that he had seen no evidence that Iraq had resumed any production of chemical agent since the Gulf War.”

651. Dr Roper wrote that he “was alerted to the existence of new sensitive material on CW production” by an SIS officer by telephone. The conversation was short but Dr Roper recalled that he was told “it referred to evidence of resumption in CW production”. Dr Roper also wrote that he had been “assured” that Air Marshal French and Mr Cragg had seen the document. Dr Roper could not recall the precise date of that conversation, but he thought it had “probably” taken place before 23 September.

652. Dr Roper wrote that he had not discussed the existence of the new intelligence with either AM French or Mr Cragg, or with anyone else. His conversation with the CW expert on 23 September:

“... was very late in the dossier production process and only minor editorial comments on the wording were being called for at this stage. I concluded the conversation with [name of expert] suggesting that those responsible for forming the final judgement no doubt had access to this new intelligence and would take it into consideration. I took no further action.”

653. The Inquiry shares the view of the Butler Review that the dossier contained a stronger assessment in relation to Iraqi chemical weapons production than was justified by the available intelligence.

654. The SIS report of 11 September was a factor in that.

655. Sir Richard Dearlove’s concerns about ensuring the protection of such an important potential source of evidence were, in the circumstances, understandable.

656. But the Inquiry shares the conclusion of the Butler Review that it should have been shown to the experts in the Defence Intelligence Staff who could have commented on the credibility and validity of that report and the subsequent report issued on 23 September and advised their senior managers and the Assessments Staff.

657. Sir Richard Dearlove’s personal intervention, and its urgency, gave added weight to a report that had not been properly evaluated and would have coloured

the perception of Ministers and senior officials. The report should have been treated with caution.

658. The withdrawal after the conflict of three streams of reporting underpinning the judgements in the dossier on Iraq's chemical and biological warfare capabilities and intentions, including the reports of 11 and 23 September and the "45 minutes" report, is addressed in Section 4.3.

659. The Inquiry has identified a number of lessons which arise from the way in which the dossier was produced at the end of this Section.

660. The details of the JIC Assessments on Iraq's WMD between December 2000 and September 2002 demonstrate that the JIC consistently stated in those Assessments that the intelligence on most aspects of Iraq's activity in relation to chemical, biological and nuclear weapons programmes was limited, and that many of its judgements were inferential.

661. The intelligence on Iraq's ballistic missile programmes was more extensive, but there were still significant uncertainties about Iraq's capabilities.

662. In relation to the concerns expressed by the DIS, Lord Hutton concluded:

"... the concerns expressed by Dr Jones were considered by higher echelons in the Intelligence Services and were not acted upon, and the JIC ... approved the wording in the dossier. Moreover, the nuclear, chemical and biological weapons section of the Defence Intelligence Staff, headed by Dr Brian Jones, did not argue that the intelligence relating to the 45 minutes claim should not have been included in the dossier but they did suggest that the wording in which the claim was stated was too strong and that instead of the dossier stating 'we judge' that 'Iraq has: – military plans for the use of chemical and biological weapons, including against its own Shia population. Some of those weapons are deployable within 45 minutes of an order to use them', the wording should state 'intelligence suggests'."³⁵²

663. The Butler Report stated that the 9 September JIC Assessment had been "written to inform military and other contingency planning" but its "precautionary judgements", which were appropriate for that purpose:

"... 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 same was true of the 21 August and 15 March Assessments ...

³⁵² The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* ["The Hutton Report"], paragraph 228.

“Experienced readers would have seen these warnings in the original JIC Assessments and taken them into account ... But the public ... would not have known ... 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 ... the language of this Chapter may have had the opposite effect ... Readers may, for example have read language in the dossier as implying that there was fuller and firmer intelligence behind the judgements than was the case: our view, having reviewed all the material, is that judgements in the dossier went to (although not beyond) the outer limits of the intelligence available.”³⁵³

664. The Butler Report also stated that 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.”³⁵⁴

665. The Butler Report concluded that: **“Partly because of inherent difficulties”**, including the complications created by dual-use programmes, the JIC assessments of Iraq’s chemical and biological programmes were **“less assured”** than the assessments of Iraq’s nuclear capabilities, and that they:

“... 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.”³⁵⁵

666. The Butler Report stated:

“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

³⁵³ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraphs 330-331.

³⁵⁴ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 337.

³⁵⁵ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 454.

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.”³⁵⁶

667. The Butler Report also addressed the fact that the SIS report of 11 September had been given a very restricted circulation and drew attention to the:

“... **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.”³⁵⁷

668. Sir Richard Dearlove told the Butler Review 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.”³⁵⁸

669. The Butler Report stated that:

- It understood “SIS’s concern to give maximum protection to their source in those particular, and transitional, circumstances”.
- It had been “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.”³⁵⁹

670. The Butler Report added:

- “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’s superiors regarded as justifying the certainty of

³⁵⁶ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 456.

³⁵⁷ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 452.

³⁵⁸ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 574.

³⁵⁹ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 575.

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.
- 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.³⁶⁰
- 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.”³⁶¹

671. The Butler Report stated:

“We accept the need for careful handling of human intelligence reports to sustain the security of sources ... 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.”³⁶²

672. The Butler Report added:

“... 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.”³⁶³

³⁶⁰ The Inquiry infers that that is a reference to wider knowledge of chemical and biological weapons programmes.

³⁶¹ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraphs 576-577.

³⁶² *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 452.

³⁶³ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 452.

673. Asked by the Iraq Inquiry whether, in the light of the view expressed at the JIC meeting on 4 September that the 9 September Assessment needed to make clearer where there were remaining major gaps in the UK's knowledge and understanding of Iraq's capabilities, he had felt that this should have been an integral part of the dossier, Sir John Scarlett replied:

"... there was no sort of discussion or conscious decision made to leave out references to limited intelligence. There was no deliberate intention to do that.

"The reason it happened may be because of the way the dossier was structured, and the fact that it began with an Executive Summary, which was explicitly a collection of judgements, as opposed to a sort of listing of intelligence.

"The place where it could have happened would have been in the introduction [Chapter 1: The Role of Intelligence], where we were talking about the nature of intelligence ..."³⁶⁴

674. Sir John added:

"But ... the judgements and confidence in the judgements [in the 9 September Assessment] was high, in spite of the areas where we didn't have knowledge. So it was the gaps in detailed knowledge, rather than [gaps] in confidence about basic judgements."

675. Mr Miller added:

"The intelligence was not all encompassing ... What we tried to do in the Assessment and in the dossier was to describe the intelligence as directly as we could, and then set out clearly and distinctly the judgements which had been reached.

"... We felt it was right that the firmness of the judgements that had been expressed in the classified Assessment [of 9 September] should be echoed in the published ... [dossier]."³⁶⁵

676. Subsequently, in response to a question about the absence of caveats in the Key Judgements of Assessments, which were what Ministers were "meant to read", Sir John Scarlett told the Inquiry:

"... this is... the issue that effectively arose around the drafting of the dossier ... it wasn't because they had deliberately been left out. It was because of the use of the Executive Summary as the equivalent of the [JIC's] Key Judgements."³⁶⁶

³⁶⁴ Private hearing, 5 May 2010, pages 71-72.

³⁶⁵ Private hearing, 5 May 2010, pages 72-73.

³⁶⁶ Private hearing, 5 May 2010, page 86.

677. Sir John added that, after the publication of the Butler Report in July 2004, “all front pages of the Assessments [ie the page with the Key Judgements] have contained a box on the intelligence base” which “spells out the strengths and weaknesses of the intelligence”. That allowed the Key Judgements to be made while flagging up the caveats.

678. Asked if he had expressed any concerns during the drafting of the dossier, for instance about caveats being dropped or because the text becoming more definite than a normal JIC report might have been, Sir Richard Dearlove replied:

“... with the benefit of hindsight, I was happy with what the dossier said in terms of what we believed at the time that it was written.”³⁶⁷

679. In the context of a reference to comment in the Butler Report that the language of the dossier may have left readers with the impression that there was fuller and firmer intelligence behind the judgements in the dossier than was the case, Sir Richard added:

“Yes, I know it said that, but I think it is easy to write these things afterwards. I mean, you know, at the time when that dossier was published, it’s what we believed on the evidence available, partly historical – significantly historical – partly based on the sources, [...]”

...

“... I had been worried about the dossier for a very long time because I didn’t feel that we had a very substantive picture from intelligence. We had a substantive picture from historical material.

“By the time, you know, the draft was complete, I was, I think, surprised how much material had been assembled. I think you have to recall, when this document was published -- and I would actually refer you also to the Institute of Strategic Studies document. Both were felt to be rather conservative, rather reserved pictures of what Iraq’s capability was at that time. You know, it’s only now – and I’m also firmly of the view that we still don’t have a complete picture of Iraq’s WMD ...”³⁶⁸

680. Sir Richard Dearlove’s position on the very restricted circulation of the SIS reports of 11 and 23 September is set out earlier in this Section.

Mr Blair’s Foreword

681. In its report, *Iraqi Weapons of Mass Destruction – Intelligence and Assessment*, published in September 2003, the ISC examined “whether the available intelligence,

³⁶⁷ Private hearing, 16 June 2010, page 57.

³⁶⁸ Private hearing, 16 June 2010, pages 57-58.

which informed the decision to invade Iraq, was adequately and properly assessed and whether it was accurately reflected in Government publications”, including three of the statements made in the Foreword.³⁶⁹

THREAT TO THE UK NATIONAL INTEREST

682. In relation to the statement in Mr Blair’s Foreword that he believed Iraq, and its weapons of mass destruction, was “a current and serious threat to the UK national interest”, the ISC stated:

“On the question of what direct threat Saddam, his regime and his WMD posed to UK interests, the evidence is that UK forces deployed in the region to enforce the ... No-Fly Zones were threatened by conventional weapons, and could have been threatened by any biological and chemical weapons that Saddam possessed. Additionally, if Al Hussein missiles had been retained and they were operational with conventional or chemical and biological warheads, they could have attacked UK forces in Cyprus or those conducting operations in the region. Saddam’s WMD programmes and his continued support of them increased this threat.”³⁷⁰

683. The ISC stated that the first draft of Mr Blair’s Foreword had made clear that the Government recognised that Saddam Hussein did not pose a direct threat to the UK: “The case I make is not that Saddam could launch a nuclear attack on London or another part of the UK (He could not).”³⁷¹

684. In the ISC’s view, it was “**unfortunate**” that the point was removed in the published version, “**and not highlighted elsewhere**”.

685. The ISC concluded:

“Saddam was not considered a current or imminent threat to mainland UK, nor did the dossier say so.”³⁷²

686. In its response to the ISC, the Government welcomed that conclusion, adding:

“The dossier was not intended to make the case for military action against Iraq; it was intended to share with the public the intelligence being presented to the Government which (along with much open source information) showed that Iraq was in serious breach of several UNSCRs.”³⁷³

³⁶⁹ Letter Taylor to Blair, 9 September 2003, [untitled]. Published in Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972.

³⁷⁰ Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 82.

³⁷¹ Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 83.

³⁷² Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 111.

³⁷³ *Government Response to the Intelligence and Security Committee Report on Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, 11 September 2003, February 2004, Cm6118, paragraph 14.

687. The Government's response to the ISC addressed a different point to the issue of whether Iraq, and its weapons of mass destruction, was a "current and serious threat to the UK national interest" at the time the dossier was issued.

688. The statement that Mr Blair believed Iraq and its weapons of mass destruction was "a current and serious threat to the UK national interest" reflected his view.

689. But it did not reflect the view of the JIC, which had addressed the threat posed by Iraq and assessed that Iraq's capabilities and intentions were limited and related to the balance of power in the region and internal challenges.

690. JIC Assessments between January 2001 and September 2002 did not formally consider the threat posed by Iraq to UK interests.

691. In its Assessment of 1 December 2000, the JIC stated:

- "Although Iraqi forces are still large and well organised by regional standards, a **military offensive outside Iraq's borders would be limited** by shortfalls in equipment and logistics."
- "UN sanctions have successfully prevented the procurement of new weapon systems."
- "While **US/UK forces remain** deployed in the region and prepared to intervene militarily, **an attack on Kuwait is very unlikely.**"
- "Iraq has probably [disassembled and] concealed a **handful of 650km range ballistic missiles** that could reach Kuwait, Saudi Arabia and even Israel ... But even if Saddam has such weapons he is **unlikely to use them** except in extremis, in order to preserve his regime or as a final gesture of defiance."³⁷⁴

692. The JIC Assessment of 28 November 2001 stated:

- "... we judge Iraq had no responsibility for, or foreknowledge of, attacks in the US on 11 September."
- "**Saddam has refused to permit any Al Qaida presence in Iraq.** He is ideologically poles apart from the Sunni extremist networks linked to UBL [Usama Bin Laden] and fears their impact on the population."
- "Iraq has long seen terrorism as a potential weapon in its conflict with the US and regional enemies. [...] Since September 11, however, **Saddam is likely to have ruled out such attacks for the time being**, for fear of a heavy US response."
- "But in the medium term the threat against Western interests and regional states remains credible. **Saddam has not given up terrorism as a policy tool.**"³⁷⁵

³⁷⁴ JIC Assessment, 1 December 2000, 'Iraq's Military Capabilities'.

³⁷⁵ JIC Assessment, 28 November 2001, 'Iraq after September 11 – The Terrorist Threat'.

693. The JIC Assessment of 19 April 2002 stated:

“... Iraq is rarely perceived as the greatest security threat within the region. Except for Kuwait, the Gulf States see Iran as the greater long-term security threat and want an Iran-Iraq balance ...”³⁷⁶

694. The JIC Assessment of 9 September 2002 judged that the use of chemical and biological weapons before a military attack on Iraq was “unlikely”.³⁷⁷

695. The Executive Summary of the dossier stated that intelligence showed:

“... Saddam Hussein attaches great importance to possessing weapons of mass destruction which he regards as the basis for Iraq’s regional power. It shows that he does not regard them only as weapons of last resort. He is ready to use them, including against his own population, and is determined to retain them ...”³⁷⁸

696. The Executive Summary also stated:

“But the threat from Iraq does not depend solely on the capabilities we have described. It arises also because of the violent and aggressive nature of Saddam Hussein’s regime. His record of internal repression and external aggression gives rise to unique concerns about the threat he poses. The paper briefly outlines ... Saddam’s rise to power, the nature of his regime and his history of regional aggression. Saddam’s human rights abuses are also catalogued ...”³⁷⁹

697. Mr Powell explicitly cautioned that, while Iraq had the means, the dossier did not demonstrate that it posed an imminent threat. In his email to Mr Scarlett on 17 September, Mr Powell wrote that the dossier:

“... does nothing to demonstrate a threat, let alone an imminent threat from Saddam. In other words it shows he has the means but it does not demonstrate he has the motive to attack his neighbours let alone the west. We will need to make clear in launching the document that we do not claim to have evidence that he is an imminent threat. The case we are making is that he has continued to develop WMD since 1998, and is in breach of UN resolutions. The international community has to enforce those resolutions if the UN is to be taken seriously”.³⁸⁰

698. Addressing Mr Powell’s comments about the “imminent threat”, Mr Campbell replied that was “why TB’s Foreword sets out ‘the case I am making’”.³⁸¹

³⁷⁶ JIC Assessment, 19 April 2002, ‘Iraq: Regional Attitudes’.

³⁷⁷ JIC Assessment, 9 September 2002, ‘Iraqi Use of Chemical and Biological Weapons – Possible Scenarios’.

³⁷⁸ *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 5.

³⁷⁹ *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 7.

³⁸⁰ Email Powell to Scarlett, 17 September 2002, ‘Dossier’.

³⁸¹ Email Hatfield [on behalf of Campbell] to Scarlett and Powell, 17 September 2002, ‘Dossier’.

699. In a further email on 18 September, Mr Powell concluded:

“The threat argument will be a major problem in the press/parliamentary assault after the dossier comes out and we need to flag up the point in the preface at publication and during the debate. We need to set the test for ourselves at a level we can meet”.³⁸²

700. There is no indication that Mr Blair saw the emails from Mr Powell.

CONTINUED PRODUCTION OF CHEMICAL AND BIOLOGICAL “WEAPONS”

701. Commenting on the statement that Iraq “continued to produce chemical and biological weapons”, the ISC stated:

“The use of the phrase ... and the absence of detail on amounts of agents produced in the executive summary and main text could give the impression that Saddam was actively producing both chemical and biological weapons and significant amount of agents.”³⁸³

702. The ISC added:

“However the JIC did not know what had been produced and in what quantities – it had assessed, based on intelligence, that production had taken place. We believe this uncertainty should have been highlighted to give a balanced view of Saddam’s chemical and biological capacity.”

703. Asked if the information available in early 2002 showed that Saddam Hussein’s WMD programmes had changed very little since 1998, and that there were strong caveats about the reliability of the intelligence, Mr Blair told the Inquiry:

“Yes, the principal intelligence ... in March 2002, was that our knowledge was ‘sporadic’ and ‘patchy’...”³⁸⁴

704. Mr Blair added that he thought the Assessment went on to say, “but it is clear that Saddam continues his programme”.

705. Asked if it was “wise to say that intelligence is ever beyond doubt”, and if that was “setting a higher standard of proof than it might be possible to sustain”, Mr Blair replied:

“I think what I said ...

‘What I believe the assessed intelligence has established beyond doubt is that Saddam has continued to produce chemical and biological weapons.’

“I did believe it ... and I did believe it, frankly, beyond doubt.”³⁸⁵

³⁸² Email Powell to Campbell and Scarlett, 18 September 2002, ‘Re: Dossier’.

³⁸³ Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 110.

³⁸⁴ Public hearing, 2 February 2010, page 64.

³⁸⁵ Public hearing, 29 January 2010, page 80.

706. Asked whether it was “beyond anybody’s doubt”, Mr Blair stated that the “March 2002 JIC Assessment”, said: “It was clear that ...”³⁸⁶

707. Mr Blair added:

“... if I said, ‘It was clear that’ in the Foreword, rather than ‘I believe, beyond doubt’, it would have had the same impact.”

708. Mr Blair added that, based on the Executive Summary and the information that followed in the Iraq dossier, it was “hard to come to any other conclusion than that this person [Saddam Hussein] has a continuing WMD programme”. Mr Blair could not “see how anyone could come to a different conclusion”.³⁸⁷

709. The JIC Assessment of 9 September stated that intelligence indicated that the production of chemical and biological weapons was taking place and the Executive Summary of the dossier stated that the JIC judged that Iraq had continued to produce chemical and biological agents. Neither supported the statement that the “assessed intelligence has established beyond doubt” that Saddam Hussein had “continued to produce chemical and biological weapons”.

710. The questions raised by the DIS about the validity of these judgements by the JIC are addressed earlier in this Section.

711. The JIC Assessment of 1 December 2000 stated:

- Intelligence suggested “some **biological** and **chemical** warfare activity”. Iraq was “rebuilding its civil chemical industry, including facilities formerly associated with chemical weapons”. The JIC judged that “**Iraq may already be producing biological agent and could produce a small number of chemical weapons within weeks** of a decision to do so”.
- Iraq could “build a **large scale production capability within a few years**” “were economic sanction lifted”.
- The same was “probably true for **biological weapons**”.
- Iraq “could produce small but significant amounts of mustard agent within weeks of a decision to do so. It could produce nerve agent within months ... It could also produce small numbers of CW munitions and missile warheads.”
- Iraq still had “sufficient expertise and material to produce BW without procurement from abroad. It could use legitimate civil or dedicated BW facilities, including mobile laboratories, for this work.”³⁸⁸

³⁸⁶ Public hearing, 29 January 2010, pages 80-81.

³⁸⁷ Public hearing, 29 January 2010, pages 81-82.

³⁸⁸ JIC Assessment, 1 December 2000, ‘Iraq’s Military Capabilities’.

712. The JIC Assessment of 10 May 2001 stated:

- Intelligence reports reflected “**a continuing chemical warfare programme**, including research and development, together with the possible production and weaponisation of agent”.
- The JIC had “good intelligence of Iraq’s former chemical and biological warfare (CBW) facilities, their limited reconstruction and civil production”.
- The JIC had “good intelligence of Iraq’s former CW associated facilities”.
- Intelligence of “other related CW activity, including possible weaponisation” was “less clear”.
- “Whilst the picture as regards biological weapons was unclear,” there were indications of “continuing biological warfare research and the possible production of agent”.³⁸⁹

713. The introduction to the CIG Assessment of 15 March 2002 stated:

“**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 concealment and exaggeration. A complete picture of 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.”³⁹⁰

714. On detailed points, the Assessment stated:

- “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 ... 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.”
- Intelligence on production facilities was “scarce” and “the reconstructed former precursor facility near Habbaniyah” was “insufficient to support large-scale CW agent production”.
- “Other industrial chemical facilities could be used ... but we have no intelligence to suggest they are currently being used in that role.”
- “Intelligence has indicated an Iraqi interest in transportable production facilities for chemical weapons, but these could produce only small amounts of agent and we judge it more likely that the mobile units are filling munitions”.

³⁸⁹ JIC Assessment, 10 May 2001, ‘Iraqi WMD Programmes: Status and Vulnerability’.

³⁹⁰ CIG Assessment, 15 March 2002, ‘The Status of Iraqi WMD Programmes’.

- There had been “one uncorroborated report” that Iraq had “filled some artillery rocket munitions with VX in the period 1996-1998, and another that a team of chemists was formed in 1998 to produce 5 tons of VX. The source was told this had been completed by the end of 1998”.
- Work on biological warfare programmes had “continued throughout the period of UNSCOM inspections” and intelligence indicated “that this programme continues. Key figures from the pre-Gulf War programme are reported to be involved.”
- Research and development was “assessed to continue under cover of a number of legitimate institutes and possibly in a number of covert facilities”.
- There was “no intelligence on any BW agent production facilities, but one source indicates that Iraq may have developed **mobile production facilities**”. The Assessment stated: “Though not corroborated, we judge the reporting is technically credible. Imagery has yet to provide firm collateral but has identified a number of sites that could be associated with this programme. The mobile production facilities have yet to be identified.”
- The CIG did not know “which types of agent are produced by these facilities”.
- “A decision to begin CBW production would probably go undetected.”
- Iraq was “judged to be self-sufficient in the production of biological weapons”.

715. In the Key Judgements, the CIG stated that, while research and development programmes continued, Iraq’s actual capabilities were finite. There was no intelligence on the production of chemical and biological agents or weapons.

716. The JIC Assessment of 9 September 2002 judged that:

- “Iraq has a chemical and biological weapons capability and Saddam is prepared to use it.”
- “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 ...”³⁹¹

717. The Assessment stated:

“One intelligence report suggests that Iraq has ‘lost’ the capability to develop warheads capable of disseminating chemical and biological agent and that it would take six months to overcome the ‘technical difficulties’”.

³⁹¹ JIC Assessment, 9 September 2002, ‘Iraqi Use of Chemical and Biological Weapons – Possible Scenarios’.

718. The Assessment also stated:

“Other recent intelligence indicates that:

- production of chemical and biological weapons is taking place;
- ...”

719. The Executive Summary of the dossier stated:

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

- continued to produce chemical and biological weapons;
- military plans for the use of chemical and biological weapons ...;
- command and control arrangements in place to use chemical and biological weapons ...;
- developed mobile laboratories for military use corroborating earlier reports about the mobile production of biological warfare agents;
- pursued illegal programmes to procure controlled materials of potential use in the production of chemical and biological weapons programmes ...”³⁹²

720. The main text of the dossier stated:

- “Iraq has a usable chemical and biological weapons capability ... which has included recent production of chemical and biological agents.”³⁹³
- “Intelligence shows that Iraq has continued to produce chemical agent.”³⁹⁴
- “We know from intelligence that Iraq has continued to produce biological warfare agents.”³⁹⁵
- “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.”³⁹⁶
- “Iraq has a variety of delivery means.”³⁹⁷

³⁹² *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, pages 5-6.

³⁹³ *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 17.

³⁹⁴ *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 19.

³⁹⁵ *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 21.

³⁹⁶ *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 22.

³⁹⁷ *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 22.

721. Asked whether Mr Blair's knowledge of the SIS reporting, of 11 September, could have influenced Mr Blair, Sir Richard Dearlove replied:

"... if you look at what he ... actually says 'beyond doubt on the assessed intelligence', this isn't part of the assessed intelligence."³⁹⁸

IRAQ'S EFFORTS TO DEVELOP NUCLEAR WEAPONS

722. The ISC also considered the statement that Mr Blair believed "the assessed intelligence has established beyond doubt" that Saddam Hussein "continues in his efforts to develop nuclear weapons".³⁹⁹

723. The ISC pointed out that the Executive Summary and main body of the dossier were less certain:

- The Executive Summary stated: "As a result of the intelligence, we judge Iraq has ... sought significant quantities of uranium from Africa."
- The dossier itself stated that there was "intelligence that Iraq has sought the supply of significant quantities of uranium from Africa".

724. Although there were some references to Iraq having a "nuclear programme", the JIC Assessments and the dossier made clear that Iraq's efforts to develop a nuclear weapon were effectively constrained by the dismantling of its physical infrastructure by the IAEA and continuing sanctions.

725. There was intelligence which indicated: attempts to procure dual-use equipment which could be used in a nuclear programme; possible attempts to obtain uranium; and that Iraq had retained the knowledge and personnel from its previous programme.

726. But neither the JIC Assessments at the time nor the judgements in the Executive Summary of the dossier supported the statement that the "assessed intelligence has established beyond doubt" that Saddam Hussein "continues in his efforts to develop nuclear weapons".

727. The JIC Assessment of 1 December 2000 stated:

- Iraq had "retained the scientific cadre associated with nuclear weapons work [...] Unconfirmed intelligence indicates **Iraqi interest in acquiring uranium and continuing nuclear weapons related research after the Gulf War**. None of the intelligence acquired since the war is 'smoking gun' evidence. But it remains suspicious and seems indicative of attempts to retain a cadre of expertise, which will decline over time without international access."

³⁹⁸ Private hearing, 13 July 2010, page 31.

³⁹⁹ Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 88.

- “Iraq still lacks fissile material and the infrastructure to make it.”
- If it were “able to acquire sufficient fissile [material] for a weapon or centrifuges and feed material from outside Iraq”, the time periods to manufacture a crude nuclear weapon and a nuclear warhead could, “with foreign assistance”, be “significantly shortened”.⁴⁰⁰

728. The JIC Assessment of 10 May 2001 stated:

- The JIC had “**no clear intelligence on Iraq’s nuclear programme**”. There was “evidence of increased activity at Iraq’s only remaining nuclear facility and a growing number of reports on **possible nuclear related procurement**”.
- The JIC judged but could not confirm that Iraq was “conducting **nuclear related research and development** into the **enrichment of uranium** and could have longer term plans to produce enriched uranium for a weapon”.
- Iraq had “recalled its nuclear scientists in 1998”. It had made “efforts ... since 1998 to procure items that could be used in a uranium enrichment programme using centrifuges”.
- Those included: “**aluminium [tubes]**” and “**other dual-use items**”.⁴⁰¹

729. The introductory paragraph in the CIG Assessment of 15 March 2002 stated that sanctions were constraining programmes to develop medium and long-range ballistic missiles and nuclear weapons.⁴⁰² The Assessment also stated:

- “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.”
- Iraq does not possess a nuclear weapons capability.
- Its programme was effectively dismantled by the IAEA.
- Although there was “very little intelligence”, the CIG continued to judge that Iraq was “pursuing a nuclear weapons programme” which was assessed to be “based on gas centrifuge **uranium enrichment** ... the route Iraq was following for producing fissile material prior to the Gulf War”.
- “Recent intelligence” indicated 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 last few years could be used in a uranium enrichment programme. There have been determined efforts to purchase high strength aluminium alloy ...” A shipment stopped in Jordan was

⁴⁰⁰ JIC Assessment, 1 December 2000, ‘Iraq’s Military Capabilities’.

⁴⁰¹ JIC Assessment, 10 May 2001, ‘Iraq’s WMD Programmes: Status and Vulnerability’.

⁴⁰² CIG Assessment, 15 March 2002, ‘The Status of Iraqi WMD Programmes’.

inspected by the IAEA, “who accepted, that with some modifications ... would be suitable for use in centrifuges”; “But there was no definitive intelligence that the aluminium was destined for a nuclear programme.”

- The CIG continued to judge that:
 - “[I]f 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.”
 - Iraq “was capable of producing an **improvised nuclear device**, but it lacks suitable fissile material. Iraq has in the past explored the use of **radiological dispersal devices**, but the design we have seen was not a credible weapon. There is no intelligence that Iraq is interested in such devices.”

730. The JIC Assessment of 9 September 2002 did not address Iraq’s nuclear aspirations, simply stating: “We do not believe Iraq possesses nuclear weapons.”⁴⁰³

731. The Executive Summary of the dossier stated:

“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 ...
- recalled specialists to work on its nuclear programme ...”

732. The main text of the dossier:

- referred to the JIC Assessment in May 2001 that Iraq had continued its nuclear research and that there was intelligence that nuclear scientists had been recalled; but it did not include the warning in that Assessment about the limitations of the intelligence; and
- stated that the IAEA had “dismantled the physical infrastructure of the Iraqi nuclear weapons programme ... But Iraq retained, and retains, many of its experienced nuclear scientists and technicians who are specialised in the production of fissile material and weapons design. Intelligence indicates that Iraq also retains the accompanying programme documentation and data.”⁴⁰⁴

⁴⁰³ JIC Assessment, 9 September 2002, ‘Iraqi Use of Chemical and Biological Weapons – Possible Scenarios’.

⁴⁰⁴ *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, pages 24-25.

733. The dossier made clear that Iraq would not be able to develop a nuclear weapon without procuring key equipment and material, but stated:

- “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.”⁴⁰⁵
- “... [T]here is intelligence that Iraq has sought the supply of significant quantities of uranium from Africa.”⁴⁰⁶

734. The FAC stated that the assertion in the September 2002 dossier should have been qualified to “reflect the uncertainty” surrounding the evidence upon which it was based.⁴⁰⁷

735. The ISC took evidence from Sir Richard Dearlove on SIS judgements on the reliability of its “two independent sources” for reporting in June and September 2002.⁴⁰⁸ While the IAEA had called into question documentary evidence it had received in February 2003 and SIS was still conducting further investigations, the ISC reported that it had been told that this “did not affect” SIS’ judgement of its second source and its belief that Iraq was “attempting to negotiate the purchase of uranium from Niger”. The ISC described the SIS judgement as reasonable.

736. In its response to the FAC in November 2003, the FCO stated that: “the claim in the September dossier rested on separate evidence to that judged fraudulent by the IAEA”, and that this intelligence was still under review and had not been shared with the CIA.⁴⁰⁹

737. The Butler Review concluded that the “intelligence was credible” that Iraq had sought to purchase uranium ore from Niger in 1999.⁴¹⁰

738. Iraqi officials had visited Niger in 1999 and further intelligence was received during 2002 which identified that the purpose of the visit had “been to negotiate the purchase of uranium ore, although there was disagreement as to whether a sale had been agreed and the uranium shipped”.⁴¹¹

⁴⁰⁵ *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 17.

⁴⁰⁶ *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 25.

⁴⁰⁷ Ninth Report from the Foreign Affairs Committee, Session 2002-2003, *The Decision to go to War in Iraq*, HC 813-1.

⁴⁰⁸ Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraphs 89-93.

⁴⁰⁹ Ninth Report from the Foreign Affairs Committee, Session 2002-2003, *The Decision to go to War in Iraq, Response of the Secretary of State for Foreign and Commonwealth Affairs*, Cm6062.

⁴¹⁰ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 503.

⁴¹¹ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraphs 493 and 495.

739. The Butler Report also stated that there was separate intelligence that the Iraqi regime had made enquiries about the purchase of uranium ore from the Democratic Republic of Congo and that there was some evidence that by 2002 a sale had been agreed.⁴¹²

LONGER-RANGE MISSILE SYSTEMS

740. In the Foreword to the dossier, Mr Blair also stated that he believed the assessed intelligence had “established beyond doubt” that Saddam Hussein had “been able to extend the range of his ballistic missile programme”.⁴¹³

741. One of the Key Judgements of the JIC Assessment of 10 May 2001 stated that there had been “a **step change in progress**” in Iraq’s ballistic missile programme over the preceding two years.⁴¹⁴

742. The Assessment itself made clear that the change related to work on development and infrastructure, including work on a “**test stand with the capacity for much larger engines than the Al Samoud**”, rather than production of missiles with ranges beyond the 150km permitted by the UN. It also stated that if Iraq developed short range missiles with a range “well beyond” 150km, that would “represent a **step change in Saddam Hussein’s military capabilities**”.

743. A Key Judgement in the CIG Assessment of 15 March 2002 stated that Iraq had retained “**up to 20 Al Hussein ballistic missiles**” with a range of 650km.⁴¹⁵ The “location and condition” of those missiles was “unknown”, although Iraq had “sufficient engineering expertise to make them operational”.

744. A further Key Judgement in the 15 March CIG Assessment stated that Iraq had “begun development of **medium range ballistic missiles** [with a range of] **over 1000km** that could target countries throughout the Middle East and Gulf region”, but Iraq would “**not be able to produce such a missile before 2007** provided sanctions remain effective”. The Assessment itself stated that “**UN sanctions and the work of the inspectors**” had “caused significant problems for Iraq’s missile industry”.

745. The 15 March CIG Assessment also stated that there were reports that Iraq had “succeeded in developing a number of 200km range variants” of the liquid propelled Al Samoud missile, but it was “unclear” whether those were for operational use or for the research and development of a longer-range missile.

⁴¹² *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 494.

⁴¹³ *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 3.

⁴¹⁴ JIC Assessment, 10 May 2001, ‘Iraqi WMD Programmes: Status and Vulnerability’.

⁴¹⁵ CIG Assessment, 15 March 2002, ‘The Status of Iraqi WMD Programmes’.

746. The CIG judged that the Ababil-100, a 150km range solid propellant missile, was likely to become operational within two years, and intelligence indicated that Iraq had plans to extend its range.

747. The JIC Assessment of 9 September 2002 stated that Iraq was developing Al Samoud and Ababil-100 missiles with a range of “150km plus”, which were being deployed to military units and could have “an emergency operational capability with conventional warheads”, not a capability to deliver chemical or biological warheads.⁴¹⁶

748. Mr Blair’s statement that he believed that the “assessed intelligence has established beyond doubt” that “Saddam has continued to produce chemical and biological weapons” and that “he continues in his efforts to develop nuclear weapons”, went further than the assessments of the JIC.

749. The JIC should have advised Mr Blair that he could not make that statement.

750. Asked about Mr Blair’s statement that he believed “the assessed intelligence has established beyond doubt” that Iraq has continued to produce chemical and biological weapons, continues in its efforts to develop nuclear weapons, and had been able to extend the range of its ballistic missile programme, Sir John Scarlett told the Inquiry that he:

“... saw the ... Foreword as something quite separate from the text of the dossier itself. The text of the dossier itself I was clearly responsible for drafting.

“The Foreword was overtly a political statement signed by the Prime Minister. So it was his wording and his comments that were there throughout, although I did make one or two, three maybe, small changes on the text of the Foreword, basically to correct one or two small points, which I thought were – or actually add at one point in particular about who received intelligence assessments in the first paragraph, and also to bring it into line with the text of the dossier itself.

“There was a particular point on concealment. I didn’t see it as something that I would change. That’s all I can recall now ... it is quite difficult now to reconstruct the actual sort of process of how this happened several years later ... [B]ut my memory at the time quite clearly was this was something which was the Prime Minister’s and it was going out under his signature. So it was different from the attention that I paid to the wording of the dossier.”⁴¹⁷

⁴¹⁶ JIC Assessment, 9 September 2002, ‘Iraqi Use of Chemical and Biological Weapons – Possible Scenarios’.

⁴¹⁷ Public hearing, 8 December 2009, pages 62-63.

751. Asked whether, given that Mr Blair's Foreword provided an interpretation of the evidence in the dossier and other interpretations could have been made of the same evidence, the interpretation and assessment should have been issued in separate documents, Sir John Scarlett replied:

"Maybe, yes. But I can't honestly say that that point was in my mind and I was focused on that issue or that risk at the time. If I had been, then I would have expressed a thought."⁴¹⁸

752. Sir David Omand, who had taken up his post as the Security and Intelligence Co-ordinator on 3 September 2002, told the Inquiry that his memory was that he "didn't pay that much attention to this [the Foreword] ... which was a mistake".⁴¹⁹

753. Asked whether the phrase "beyond doubt" had rung any "alarm bells", Sir David replied that he had:

"... totally failed to spot the potential problem that would arise through the disjunction between the statement of case being directly associated with the text of the dossier. We [the JIC] were commenting on this as a document the Prime Minister was going to produce under his own name, and he was convinced. So his saying so was not really very exceptional."

Publication of the dossier, 24 September 2002

Cabinet, 23 September 2002

754. The ISC report in September 2003 stated that Mr Straw, Mr Blunkett, the Home Secretary, and Mr Hoon had had the opportunity to comment on an early draft of the dossier, but only Mr Straw did so.⁴²⁰ Private Offices decided that the draft "did not require ... the personal attention" of Mr Brown or Ms Short. The draft was also sent to Ms Patricia Hewitt, the Trade and Industry Secretary. It was not sent to Mr John Prescott, the Deputy Prime Minister.

755. The briefing for Ministers produced by the Communications and Information Centre (CIC) on 24 September 2002 drew attention to the statements in Mr Blair's Foreword about the threat posed by Saddam Hussein and the belief that the assessed intelligence had "established beyond doubt" that he has "continued to produce chemical and biological weapons, that he continues in his efforts to develop nuclear weapons, and that he has been able to extend the range of his ballistic missile programmes".⁴²¹ It also set out the list of judgements from the Executive Summary of the dossier.

⁴¹⁸ Public hearing, 8 December 2009, page 66.

⁴¹⁹ Public hearing, 20 January 2010, page 22.

⁴²⁰ Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 76.

⁴²¹ Briefing CIC, 24 September 2002, 'CIC Ministerial Briefing'.

756. Mr Blair told Cabinet on 23 September that the dossier “would show that the policy of containment had worked up to a point” but Saddam Hussein “continued to rebuild” his weapons of mass destruction.

757. Cabinet met at 5pm on 23 September. The discussion is addressed in Section 3.5.

758. Cabinet members were given a copy of the dossier to be published the following day.

759. In relation to the dossier, Mr Blair told his colleagues:

“... the dossier on Iraq’s weapons of mass destruction would show that the policy of containment had worked up to a point, but that Saddam Hussein ... continued to rebuild his programme to acquire such weapons. The evidence showed his efforts to procure equipment and materials, and to restore production facilities. This was an issue for the United Nations, with whose Security Council resolutions Iraq had not complied. A new resolution was being negotiated.”⁴²²

760. No specific discussion of the contents of the dossier was recorded although in the discussion the point was made that the “development of weapons of mass destruction by Saddam Hussein presented a quite different order of threat”.

761. Summing up the discussion, Mr Blair said that a “crunch point” had been reached:

“The sanctions regime ... was being eroded and Saddam Hussein was on the way to acquiring new capability in weapons of mass destruction. Iraq had to comply with the obligations placed on it by the United Nations ...”

762. Mr Campbell wrote that Mr Blair had explained that the dossier “brought together accumulated evidence about Iraq’s attempts to build WMD, part historical, part intelligence-based”; “not saying that he [Saddam Hussein] was about to launch an attack on London, but we were saying there was an attempt to build a WMD programme in a significant way”.⁴²³

763. Lord Turnbull, Cabinet Secretary from September 2002 to September 2005, told the Inquiry:

“I think the dossier was ostensibly an attempt to inform the public. But one of the effects it had was that the Cabinet all read it and basically decided – they absorbed it and accepted it.”⁴²⁴

⁴²² Cabinet Conclusions, 23 September 2002.

⁴²³ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

⁴²⁴ Public hearing, 13 January 2010, page 61.

764. Asked whether there had been a debate about different scenarios and different possible courses, Lord Boateng, the Chief Secretary to the Treasury from 2002 to 2005, replied:

“... there was certainly a discussion around different scenarios that came up in the way in which we addressed these issues in Cabinet ...

“... in the September meeting, where, as you know, we were about to publish the dossier, there was about to be a report to Parliament and there was a discussion around that and it was a full discussion and, in the course of that, colleagues made various contributions and various scenarios surfaced ...

“What we did have was a full discussion around the issues as they were reported to us ...”⁴²⁵

765. Addressing the September 2002 dossier on Iraq in his memoir, written after his resignation from the Government, Mr Robin Cook, the Leader of the House Commons, wrote:

“At Cabinet [on 24 September 2002] I described the dossier as ‘derivative’. What I was expressing was the extraordinary degree to which the bulk of the document was derived from what we know about Saddam’s arsenal ... as it had been in 1991 ... What was doubtful was whether the arsenal that Saddam possessed in 1991 was any guide whatsoever to the state of his capacity in 2002.

“For a start most chemical and biological agents that Saddam had retained for a decade would long ago have degenerated to the point that they were of no operational use. This is a principle of science well known to those who wrote the dossier ... Government Ministers alarmed the public by claims that Saddam had ten thousand litres of anthrax solution unaccounted for since 1991. They never added that the standard life of liquid anthrax is three years ...

“... Last year the US Department of Defense ... revealed, ‘When the Iraqis produced chemical munitions they appeared to adhere to a ‘make and use’ regimen ... Their conclusion was that the shelf life of Iraqi chemical agents was numbered in weeks, not decades.

“Half of the text relating to Iraq’s weapons capacity is drawn from the period before 1998. Much of the remainder depends for its claims of present capacity on historic capabilities ... Stripped of the historical resume ... the dossier is very thin on new evidence on the current position.”⁴²⁶

⁴²⁵ Public hearing, 14 July 2010, pages 4-5.

⁴²⁶ Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.

766. Mr Cook subsequently wrote:

“The dossier ... painted a one-sided picture ... [I]t defiantly proclaimed a certitude for its claims that was at odds with the nuanced tone of every JIC Assessment I read.”

767. Mr Cook added:

“Personally I never doubted that No.10 believed in the threads of intelligence which were woven into the dossier. But that does not alter the awkward fact that the intelligence was wrong and Ministers who had applied a sceptical mind could have seen that it was too thin to be a reliable base for war. No.10 believed in the intelligence because they desperately wanted it to be true. Their sin was not one of bad faith but of evangelical certainty. They selected for inclusion only the scraps of intelligence that fitted the Government’s case. And gave them a harder edge than was justifiable. The net result was a gross distortion. Although every individual claim could be sourced ... the overall effect was to present a false picture of an Iraq bristling with real weapons of mass destruction that turned out not to exist.”

768. In a section reflecting on the issues written after the conflict, Mr Cook wrote:

“Only in the last five days was the word Programme dropped from the title. The clear implication is that No.10 wanted Parliament and public to believe that Iraq had actual weapons ...”

769. In Mr Cook’s view:

“... the most egregious claim of all was that Saddam had attempted to reconstitute his nuclear programme ... The conclusion of the section on nuclear weapons is a masterpiece of false suggestion.”

770. Mr Cook described the section in the dossier addressing what Iraq might be able to do if it obtained fissile material and other essential components as “a fanciful leap into the realm of fantasy”: “This language is frightening. But as evidence that Iraq was a threat it is pathetic and the authors must have known it.”

Mr Blair’s statement to Parliament, 24 September 2002

771. Mr Blair wrote his statement himself and chose the arguments to make clear his perception of the threat and why he believed that there was an “overwhelming” case for action to disarm Iraq.

772. Mr Straw, Mr Hoon, Mr Scarlett and others were asked to identify “any facts that are false and ... any other essential changes that you would like to suggest”.

773. Parliament was recalled from recess on 24 September to debate the case for effective action in respect of the threat posed by Iraq.

774. The Government dossier, *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, was published on 24 September.⁴²⁷

775. Mr Blair's statement to the House of Commons, the questions that followed, and the subsequent debates on Iraq in both Houses of Parliament, are addressed in Section 3.5.

776. In relation to Iraq's WMD capabilities and intent, Mr Blair's statement drew on the dossier, including Mr Blair's Foreword, the material sent to No.10 by the FCO on 2 and 4 September, and subsequent briefing material produced for the debate.

777. Mr Rycroft sent a framework for the statement to Mr Blair, together with background material, on 20 September.⁴²⁸

778. The framework comprised six sections:

- Introduction
- The threat
- The response
- Tackling head-on some of the difficult questions to pre-empt questions
- Consultation with Parliament; and
- Conclusion.

779. In relation to the threat, Mr Rycroft suggested:

"Summarise the dossier: main focus WMD, but also material on the nature of Saddam's regime. History of the inspectors and UNSCRs ..."

780. In the section on the response to the threat, Mr Rycroft set out the framework of the UN route and that Iraq should comply with all the UN's demands; and that Saddam Hussein had:

"... a long history of claiming to offer unconditional access, but then attaching conditions ..."

"For instance, the Iraqi Foreign Minister told the UN last week that Iraq is 'clear of all nuclear, chemical and biological weapons'. That is a lie. The dossier explains why."

781. Addressing the question "Why now?", Mr Rycroft wrote:

"Dossier sets out the threat. It is increasing every year, especially with Saddam's illicit money. Would be unconscionable to be aware of the threat and do nothing."

⁴²⁷ *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002.

⁴²⁸ Minute Rycroft to Prime Minister, 20 September 2002, 'Iraq: Tuesday's debate'.

782. Addressing the question “Why Saddam?”, Mr Rycroft wrote:

“Need to tackle WMD around the world. Have different strategies for N Korea, Libya etc. With these countries there are at least ... some ways of dealing diplomatically with them. Not possible with Saddam’s Iraq. Only Saddam has (a) record of WMD use, (b) violated so many UN obligations.”

783. Mr Rycroft also wrote:

- “The country [Iraq], region and world would be better off without Saddam, but the issue is his WMD. He must disarm ...”
- There was: “No known link between Saddam and Al Qaida. Terrorism is not the issue – WMD is.”

784. The background documents included a FCO letter providing material to answer points made in the debate.⁴²⁹ In relation to Iraq’s possession of WMD and the risk of proliferation, the brief on military action stated:

- “... as dossier clearly sets out, Iraqi regime has accelerated its weapons programmes since departure of inspectors. Saddam should be in no doubt about our determination to remove the threat of his WMD.”
- “What singles out Iraq as a proliferator is Saddam’s demonstrated willingness to use WMD and wage war against his neighbours. Naive to suppose that we could persuade Saddam through dialogue to give up his weapons ...”
- “In cases of other proliferators [Iran, North Korea and Libya], we have tried to address our concerns through dialogue ... even though some people have criticised us for this.”

785. The detailed briefing on WMD stated that:

- Iraq possessed weapons of mass destruction and was “still hiding” them “in a range of locations”. The regime had admitted “hiding chemical, biological weapons and missile parts”.
- The UK believed Iraq had “the capability to deliver these weapons to a range of locations”.
- Iraq had “admitted producing large quantities of chemical warfare agents” and “producing biological warfare agents”.
- UN weapons inspectors had been “unable to account for thousands of tonnes of so-called precursor chemicals used in the production of weapons; hundreds of tonnes of precursor chemicals used in the production of VX nerve agent; and tens of thousands of special munitions which can be used in chemical and biological weapons”.

⁴²⁹ Letter Sedwill to Rycroft, 20 September 2002, ‘Iraq: Commons Debate: Supplementaries’.

786. Addressing developments since 1998, the briefing stated that, “Despite tight controls on imports”, Iraq continued “to pursue ballistic missile, nuclear, chemical and biological programmes”.

787. The detailed text was more nuanced, stating:

- “We believe that Iraq has recently accelerated its weapons programme.”
- There had been “continued progress” on the ballistic missile programme, and facilities damaged in December 1998 had been repaired.
- Saddam Hussein was believed to be “planning to extend the range of his current missiles beyond the 150km limit imposed by the UN”.
- There was concern about “reports of increased nuclear procurement”.
- “We think that R&D on a nuclear weapons programme has restarted.”
- “We believe that the Iraqi regime continues its biological and chemical weapons programmes.”

788. The briefing acknowledged that UN measures had:

“... played a vital role in frustrating Saddam’s ambitions to develop WMD. UNSCOM and IAEA inspectors ... And UN controls on Iraq imports have made it more difficult for Iraq to acquire easily the WMD technology it is seeking.”

789. Sanctions had “helped make Iraqi acquisition of WMD and the means to deliver them more difficult” and had “undoubtedly slowed the pace of their reconstitution”. But there were “always those who are willing to breach sanctions” and “Some equipment” had “reached Iraq’s WMD programmes”.

790. Mr Blair was also sent a copy of the Question and Answer briefing to accompany the dossier.⁴³⁰ Key points of interest included:

- “The dossier shows that Saddam has aggressively pursued his WMD programme. In the four years since the departure of the inspectors things have got worse, not better. It would be irresponsible to ignore those facts.”
- Iraq possessed WMD: it was “still hiding weapons of mass destruction in a range of locations” and it had “admitted producing large quantities of chemical warfare agents”.
- There was “reliable intelligence” on mobile production facilities for biological warfare agents which supported “older reporting from defectors”.
- There was “intelligence relating to continued production” of CBW agents.

⁴³⁰ Minute Rycroft to Prime Minister, 20 September 2002, ‘Iraq: Tuesday’s Debate’ attaching Paper Press Office, 20 September 2002, ‘Iraq Weapons of Mass Destruction: The Assessment of the British Government – Q&A’.

- If it could “buy highly enriched uranium and essential components”, Iraq might “be able to make a crude nuclear weapon in between one and two years”.
- To deliver a nuclear warhead by ballistic missile, “Iraq would need a more sophisticated design for a missile warhead than any it had before 1991. It could well have done significant research on this while the inspectors have been away, and may have even produced some parts in anticipation. With the acquired fissile material and specialised parts, a warhead could be made for a missile in about two years, but may well fail. Further time would allow the weapon to be developed and tested to improve its reliability.”
- “Iraq has admitted in the past making chemical and biological warheads for its Al Hussein missiles. We believe they could do so again.”
- Iraq had “the capability to have developed” chemical and biological warheads for other types of missiles.
- The dossier focused “on the threat posed by Iraq’s WMD programmes”.
- There was “no evidence that Iraq has supplied WMD materials or advice to any terrorist organisation”.
- Al Qaida was “probably still trying” to develop a WMD capability: “It would benefit greatly from support from a state programme. Allowing WMD to remain in the hands of a regime such as Saddam’s must involve the risk that these weapons will find there [sic] way into the hands of terrorists.”

791. Addressing whether there were differences between the US and UK assessments, the briefing stated:

“It is clear that the British and American Governments are in full agreement that Saddam’s WMD programmes remains significant and growing. We are also in full agreement that the international community must take action. Should not be surprised if different analysts using information obtained in different ways at different times come to slightly different technical conclusions – but the fundamental judgements are identical.”

792. Addressing whether the UK’s Iraq policy had created a climate for terrorism, the brief stated:

“... Our Iraq policy is and will remain based on the imperative of containing the very real threat posed by the Iraqi regime to Iraq’s people and its neighbours.”

793. A 19-page briefing produced by the CIC on 20 September set out:

- examples of Iraq’s past obstruction of inspections and its failure properly to disclose information about its programmes;
- statements made by Mr Scott Ritter during his time as a senior member of UNSCOM;

- examples of Iraq's persecution of its own people and actions against other Muslims in the region, including in Kuwait in 1990-1991; and
- provisions of relevant UN resolutions.⁴³¹

794. In the “Key messages” of a briefing produced for the Labour Party on 20 September, Iraq's statement (in a letter from Saddam Hussein read to the UN General Assembly on 19 September – see Section 3.5) that it “did not have nuclear, chemical or biological weapons”⁴³² was described as “extraordinary”.⁴³³ The briefing also stated:

“Saddam has accelerated his efforts to develop a biological, chemical and nuclear weapons capability since the expulsion of weapons inspectors in 1998, and the means to deliver them. He is a uniquely dangerous dictator: the only one to have used WMD against his own people and neighbours.”

795. Commenting on the preparation of a core script for use when the dossier was published, Mr Tom Kelly wrote that the “weakness, obviously, is our inability to say that he could pull the nuclear trigger anytime soon”.⁴³⁴ He thought the basic message, that “by then it would be too late”, dealt with that point.

796. Mr Kelly subsequently wrote:

“We should use the full authority of the House to underline the basic message this is a risk we cannot take. If we put someone on earlier [to make comments before Mr Blair's statement to the House of Commons] there is a danger that the big picture will get lost in the detail of precisely how long it [would] take for nuclear capacity etc. Instead TB can carry the big message this is a man who will do anything he can not just to hang on to power, but to impose his will.”⁴³⁵

797. On 23 September, a draft of Mr Blair's statement was sent to the Private Offices of Mr Straw, Mr Hoon, Mr Brown, Lord Goldsmith and Sir Andrew Turnbull, and to Mr Scarlett and Mr Bowen.⁴³⁶ They were asked to identify “any facts that are false and ... any other essential changes that you would like to suggest”.

798. In his diaries, Mr Campbell wrote that Mr Blair had “done the statement pretty much himself”.⁴³⁷

⁴³¹ Briefing CIC, 20 September 2002, ‘Facts about Iraq – Saddam's Games with Inspectors’, attached to Minute Rycroft to Prime Minister, ‘Iraq: Tuesday's Debate’.

⁴³² UN General Assembly, ‘Fifty-seventh session 19 September 2002’ (A/57/PV.17).

⁴³³ Briefing Labour Party, 20 September 2002, ‘Iraq’.

⁴³⁴ Email Kelly to Campbell, 19 September 2002, ‘Tuesday core script’.

⁴³⁵ Email Kelly to Campbell, 19 September 2002, ‘RE Tuesday core script’.

⁴³⁶ Letter Rycroft to Sedwill, 23 September 2002, ‘Iraq: Prime Minister's Statement, 24 September’, attaching draft statement.

⁴³⁷ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

799. Mr Blair told the Hutton Inquiry:

“... the most important thing was I was very careful in my statement [to Parliament] to make it clear what we were and were not saying.”⁴³⁸

800. Asked if there was anything in his statement to Parliament he wanted to emphasise, Mr Blair told the Hutton Inquiry:

“I think the only thing ... is just to emphasise the fact that I make it clear what I perceived the threat to be.”⁴³⁹

801. Mr Blair also said:

“... it was essential that anything we said in the course of my statement ... we could hand on heart say: this is the assessment of the Joint Intelligence Committee.”⁴⁴⁰

802. The Iraq Inquiry asked Mr Blair for a statement on who had been involved in the preparation of his statement, and who had cleared the intelligence it contained.⁴⁴¹

803. Mr Blair wrote:

“In respect of my statement of 24 September 2002 to the House of Commons I would have relied principally on the dossier and JIC Assessments and written and oral intelligence briefing, some of which came in just before the statement, in particular the [9] September JIC Assessment which referred to mobile facilities.”⁴⁴²

804. Mr Blair added:

“I have gone back, in the course of compiling this statement, to the vast number of different documents that refer to Saddam and WMD. I simply make the point that the assumptions in all of them was that Saddam was committed in both the intent and the action in developing WMD. Of course, the Iraq Survey Group shows that the intent indeed remained and there were multiple breaches of UN resolutions.”

805. In his statement to the House of Commons on 24 September, Mr Blair began by thanking the Speaker for recalling Parliament “to debate the best way to deal with the issue of the present leadership of Iraq and weapons of mass destruction” and described the dossier as “detailing the history of Iraq’s weapons of mass destruction programme, its breach of United Nations resolutions and its attempts to rebuild that illegal programme”.⁴⁴³

⁴³⁸ The Hutton Inquiry, public hearing, 28 August 2003, page 10.

⁴³⁹ The Hutton Inquiry, public hearing, 28 August 2003, page 14.

⁴⁴⁰ The Hutton Inquiry, public hearing, 28 August 2003, pages 18-19.

⁴⁴¹ Inquiry request for a witness statement, 13 December 2010, Q3(a) and 3(b) page 2.

⁴⁴² Statement, 14 January 2011, page 5.

⁴⁴³ House of Commons, *Official Report*, 24 September 2002, columns 1-23.

806. Addressing the problems encountered by the inspectors, Mr Blair placed the issues being addressed firmly in the context of:

“... an 11-year history ... of UN will flouted, of lies told by Saddam about the existence of his chemical, biological and nuclear weapons, and of obstruction, defiance and denial.

“There is one common, consistent theme ... the total determination of Saddam to maintain that programme; to risk war, international ostracism, sanctions and the isolation of the Iraqi economy ...”

807. Addressing the question of why Saddam Hussein had decided in mid-September, but not before, to admit the weapons inspectors, Mr Blair stated the answer was in the dossier, and it was because:

“... his chemical, biological and nuclear programme is not an historic left-over from 1998. The inspectors are not needed to clean up the old remains. His weapons of mass destruction programme is active detailed and growing. The policy of containment is not working. The weapons of mass destruction programme is not shut down; it is up and running now.”

808. Mr Blair stated that the dossier disclosing the intelligence assessments provided by the JIC had been produced because it was “important to explain our concerns about Saddam to the British people”. He added that people were going to:

“... have to take elements of this on the good faith of our intelligence services, but this is what they are telling me ... and my senior colleagues. The intelligence picture that they paint is one accumulated over the last four years. It is extensive, detailed and authoritative.

“It concludes Iraq has chemical and biological weapons, that Saddam has continued to produce them, that he has existing and active plans for the use of chemical and biological weapons, which could be activated within 45 minutes, including against his own Shia population, and that he is actively trying to acquire nuclear weapons capability.”

809. Addressing the content of the dossier, Mr Blair told Parliament that:

- As well as the chemical agents and precursor chemicals, growth media for anthrax and special munitions for the delivery of chemical and biological agents that were “missing and unaccounted for” in 1998, Iraq continued “to produce chemical weapons; has rebuilt previously destroyed production plants across Iraq; has brought dual-use chemical facilities; has retained key personnel ... and has a serious ongoing research programme into weapons production, all of it well funded”.

- “... production of biological agents has continued; facilities formerly used for biological agents have been rebuilt; equipment has been purchased for such a programme; and again Saddam has retained the personnel who worked on it prior to 1991. In particular, the UN inspection regime discovered that Iraq was trying to acquire mobile biological weapons facilities ... Present intelligence confirms that it has now got such facilities.” The UK believed Iraq could produce anthrax, botulinum toxin, aflatoxin and ricin, which “all eventually result in excruciatingly painful death”.
- Saddam Hussein’s previous nuclear programme had been “shut down by the inspectors” and “known remaining stocks of uranium” were “held under supervision” by the IAEA. Key personnel who used to work on the nuclear weapons programme were “back in harness”. “But we now know” that Saddam Hussein has also:
 - “bought or attempted to buy” items that could have a use in a nuclear programme; and
 - “been trying to buy significant quantities of uranium from Africa, although we do not know whether he has been successful”.
- Iraq’s ballistic missile programme was required for the delivery of its chemical, biological and nuclear weapons. It was “clear that a significant number of longer-range missiles were effectively concealed from the previous inspectors and remain, including up to 20 extended-range SCUD missiles ... and, by this year, Iraq’s development of weapons with a range of more than 1,000km was well under way; and that hundreds of people are employed in that programme, facilities are being built and equipment procured – usually clandestinely. Sanctions and import controls have hindered the programme, but only slowed its progress. The capability being developed, incidentally, is for multi-purpose use, including with WMD warheads.”

810. Mr Blair stated:

“That is the assessment, given to me, of the Joint Intelligence Committee. In addition, we have well founded intelligence to tell us that Saddam sees his WMD programme as vital to his survival and as a demonstration of his power and influence in the region.”

811. Mr Blair added:

“There will be some who dismiss all this. Intelligence is not always right. For some of the material, there might be innocent explanations. There will be others who say rightly that ... it could be several years before Saddam acquires a usable nuclear weapon – though if he were able to purchase fissile material ... it would be only a year or two.”

812. In the light of the information he had set out, Mr Blair asked whether the world would be wise to trust to the “good faith of the current Iraqi regime”. Mr Blair added:

“Our case is simply this: not that we take military action come what may, but that the case for ensuring Iraqi disarmament, as the UN itself has stipulated, is overwhelming. I defy anyone, on the basis of this evidence, to say that that is an unreasonable demand for the international community to make when, after all, it is only the same demand that we have made for 11 years and that Saddam has rejected.”

813. Mr Blair posed, and addressed, three questions: ‘Why Saddam?’; ‘Why now?’; and ‘Why should Britain care?’.

814. On the question ‘Why Saddam?’, Mr Blair said two things about Saddam stood out: “He had used these weapons in Iraq” and thousands had died, and he had used them during the war with Iran “in which one million people died”; and the regime had “no moderate elements to appeal to”.

815. On the question ‘Why now?’, Mr Blair stated:

“I agree that I cannot say that this month or next, even this year or next, Saddam will use his weapons. But I can say that if the international community, having made the call for his disarmament, now, at this moment, at the point of decision, shrugs its shoulders and walks away, he will draw the conclusion dictators faced with a weakening will always draw: that the international community will talk but not act, will use diplomacy but not force. We know, again from our history, that diplomacy not backed by the threat of force has never worked with dictators and never will.

“If we take this course and if we refuse to implement the will of the international community, Saddam will carry on, his efforts will intensify, his confidence will grow and, at some point in the future not too distant, the threat will turn into reality. The threat therefore is not imagined. The history of Saddam and weapons of mass destruction is not American or British propaganda. The history and the present threat are real.”

816. Mr Blair said that Britain should care:

“‘Because there is no way this man, in this region ... could begin a conflict using such weapons and the consequences not engulf the whole world, including this country.’ That ... is the reason the UN passed its resolutions. That is why it is right that the UN Security Council again makes its will and its unity clear and lays down a strong new UN resolution and mandate. Then Saddam will have the choice: comply willingly or be forced to comply. That is why alongside the diplomacy, there must be genuine preparedness and planning to take action if diplomacy fails.

“Let me be plain about our purpose. Of course there is no doubt that Iraq, the region and the whole world would be better off without Saddam. Iraq deserves to be led by

someone who can abide by international law, not a murderous dictator; by someone who can bring Iraq back into the international community where it belongs, not ... languishing as a pariah; by someone who can make the country rich and successful, not impoverished by Saddam's personal greed; and by someone who can lead a government more representative of the country as a whole while maintaining absolutely Iraq's territorial integrity.

"We have no quarrel; with the Iraqi people. Indeed, liberated from Saddam they could make Iraq prosperous and a force for good in the Middle East. So the ending of this regime would be the cause of regret for no one other than Saddam. But our purpose is disarmament. No one wants military conflict. The whole purpose of putting this before the UN is to demonstrate the united determination of the international community to resolve this in the way it should have been resolved years ago: through a proper process of disarmament under the UN. Disarmament of all weapons of mass destruction is the demand. One way or another it must be acceded to."

817. Mr Iain Duncan Smith, Leader of the Opposition, said that the "key question" was whether Saddam Hussein had "the means, the mentality and the motive to pose a threat to pose a threat to Britain's national security and the wider international order". Mr Duncan Smith concluded that Saddam had the means and mentality. He stated:

"The evidence produced in the Government's report shows clearly that Iraq is still pursuing its weapons of mass destruction programme ...

"The ... dossier confirms that Iraq is self sufficient in biological weapons and that the Iraqi military is ready to deploy those, and chemical weapons, at some 45 minutes' notice."

818. Addressing whether Saddam Hussein had the motive to strike against Britain, Mr Duncan Smith stated:

"... I believe that it is fair to assume that he has ...

"The report shows that Saddam has illegally retained up to 20 Al Hussein missiles, with a range of 650km, capable of carrying the various warheads that he needs, and that he is also developing new ones."

819. Mr Charles Kennedy, Leader of the Liberal Democrats, asked:

"Does the Prime Minister truly believe that, on the evidence published today, a sufficient case has now been made that both clarifies Iraq's present capacity, as well as its intent?"

820. Mr Blair responded:

"... yes I do believe the information we published today shows that there is a continuing chemical and biological weapons programme, and an attempt by

Saddam Hussein to acquire a nuclear weapons capability. That is what I believe, and that is the assessment of the Joint Intelligence Committee – and frankly I prefer its assessment to the assessment of the Iraqi regime, which, let us say, on the basis of experience, is not one that should carry a lot of credibility.”

821. Mr William Hague (Conservative) asked:

“Does the Prime Minister recollect that, in the half-century history of various states acquiring nuclear capabilities, in almost every case – from the Soviet Union in 1949 to Pakistan in 1998 – their ability to do so had been greatly underestimated and understated by intelligence sources at the time? Estimates today of Iraq taking several years to acquire a nuclear device should be seen in that context ... [I]s there not at least a significant risk of the utter catastrophe of Iraq possessing a nuclear device without warning, some time in the next couple of years? In that case, does not the risk of leaving the regime on its course today far outweigh the risk of taking action quite soon?”

822. Mr Blair responded:

“I entirely agree ... For the preparation of the dossier we had a real concern not to exaggerate the intelligence that we had received. For obvious reasons, it is difficult to reflect the credibility of the information, and we rate the credibility of what we have very highly. I say no more than that.

...

“... I entirely agree that the danger of inaction ... far outweighs the danger of action.”

823. Other points made by Mr Blair included:

- “... [I]n my judgement, if we do not deal with the proliferation of weapons of mass destruction and their retention by highly unstable states, often with dictatorial regimes, then perhaps not this year or next, but in the not too distant future, that problem will explode on to the consciousness of the world. I believe that passionately, which is why, whatever the issues in relation to Iraq ... it is important to take a stand now and say that, when we have made determinations on behalf of the international community, we will see them through. If we do not, the message to Saddam and anyone else will be that they can develop these weapons with impunity and that the international community lacks the will to deal with them.”
- “... [T]he point is that if we know that someone has weapons of mass destruction, if they have used them before and if, as a result, the international community has said they must be disarmed of those weapons, surely the greatest risk is letting them carry on developing those weapons and not doing anything about it.”

- “... [I]n the past four or five years the issue of Iraq, weapons inspections and what to do about that regime has come over my desk pretty much week after week ... [I]t has been there as an issue the whole time ... What we know now from the assessment given by our Joint Intelligence Committee is that the very thing that we feared is the very thing that the Iraqi regime is working on.”
- “What has happened ... is that, whether we like it or not, now is the point of decision.”
- “... We have to be clear that the consequences of saying now to Iraq that we are not going to do anything will be really, really serious.”
- “... [W]e have to make the decision, and I do not think we can duck the consequences of that decision.”

824. Mr Blair concluded that the threat was not that Saddam Hussein was going to launch an attack on the UK “tomorrow”:

“... the threat is that within his own region, or outside it given the missile capability that he is trying to develop, he launches an attack that threatens the stability of that region and then the wider world. All the evidence that we have is that if there is such a conflict in that region, we will not be able to stand apart from it.”

ACCURACY OF THE STATEMENT

825. Mr Blair’s statement about Iraq’s capabilities and intentions included some judgements that were additional to those in the dossier.

826. Mr Blair’s categorical statement that the intelligence picture painted by the JIC over the last four years was “extensive, detailed and authoritative”, was not an accurate description of the intelligence underpinning the JIC’s assessments.

827. There are a number of differences between the draft speech and Mr Blair’s statement to the House of Commons where points of detail were added or changed, but its structure and key arguments remained.

828. In the statement, Mr Blair emphasised that the information in the dossier represented the view of the JIC.

829. During a debate on Iraq on 22 February 2007, Lord Butler said that Mr Blair’s statement to Parliament “that the picture painted by our intelligence services was ‘extensive, detailed and authoritative’ ... could simply not have been justified by the material that the intelligence community provided to him.”

830. The draft of Mr Blair’s statement on 23 September said that the intelligence picture was “extensive and detailed”. The words “and authoritative” were added in the final version; it is not clear who made that change or why.

831. The JIC Assessments issued since December 1998 could be described as authoritative. But the gaps and uncertainties in the intelligence which underpinned them were clearly identified.

832. The evidence set out earlier in this Section and in Section 4.1 demonstrates that, since the departure of the weapons inspectors four years earlier, detailed intelligence had been received on many aspects of Iraq's activities, and it was more extensive in some areas than others. The judgement that the intelligence picture was extensive may also have been influenced by the reporting which had been issued since the end of August 2002.

833. Mr Blair characterised Iraq's activities to acquire chemical, biological and nuclear weapons, and a ballistic missile capability to deliver them, as a "programme" which was "active, detailed and growing".

834. That statement was in the draft of 23 September, and there is no evidence that Mr Blair was advised to remove it.

835. The claim that Iraq's WMD programme was "growing" and that it had recently accelerated appeared in the briefing material produced by the FCO and No.10 at that time.

836. Asked whether the JIC Assessments had said that the WMD threat from Iraq was growing, Mr Blair told the Inquiry:

"Yes, it was telling me that in two respects ...

"First ... there were the September JIC assessments that talked of continuing production of chemical weapons. In other words, this was a continuing process. But secondly -- and this did have an impact on me at the time, although this particular piece of intelligence turned out later to be wrong, but at the time, obviously, we didn't know that -- on 12 September ... I was told and specifically briefed about these mobile production facilities for biological weapons. So this was an additional and new factor and this was very much linked to whether and how Saddam might conceal his activities."⁴⁴⁴

837. In the context of questioning about the intelligence reports received in late August and early September and what might have been in Mr Blair's mind when he said that Iraq's programmes were growing, Sir John Scarlett stated:

"... I think it is important to state that that was the reporting that he was seeing, and he was receiving a judgement from the JIC which said that production of agent is continuing and it's happening now.

⁴⁴⁴ Public hearing, 2 February 2010, pages 87-88.

“So it is possible ... to conclude that if you are being told that the production is continuing, it’s possible to conclude that therefore the issue is growing ...”⁴⁴⁵

838. Sir John confirmed that meant the material was accumulating.

839. Asked about the sourcing for the reports of 11 and 23 September, Sir John replied:

“... that source was not substantiated and it was the first of the reporting to be withdrawn ... in late July 2003.”

840. Asked whether the SIS reporting, of 11 and 23 September, might have justified Mr Blair’s use of the word “growing”, Sir Richard Dearlove replied:

“... maybe they account for the Prime Minister saying ‘growing’. I don’t know. I am not sure whether that is true or not.”⁴⁴⁶

841. Mr Blair’s statements in his Foreword to the dossier about the nature of the threat posed by Iraq to UK interests and that he believed “the assessed intelligence” had “established beyond doubt” that Saddam Hussein had “continued to produce chemical and biological weapons, that he continues in his efforts to develop nuclear weapons” are addressed earlier in this Section.

842. The references to Iraq’s chemical and biological programmes in the statement reflected the material in the Foreword and the dossier.

843. A reference to material being “missing” as well as “unaccounted for” was new and implied the material had existed. The word was added to the draft version of 23 September.

844. In his statement to Parliament on 24 September, about Iraq’s efforts to develop nuclear weapons, Mr Blair said that “we know” Saddam Hussein “has bought or attempted to buy” material which could be used in a nuclear weapons programme.

845. Mr Blair’s description in his evidence to the Inquiry, that the information on Iraqi procurement activities in the dossier “could indicate a continuing interest in nuclear weapons” would have been a more accurate description of the position.

846. In listing Iraq’s attempts to procure prohibited technology and materials which could be used in a nuclear weapons programme, which had been set out in the dossier (page 26), Mr Blair stated:

“But we now know the following ... Saddam has bought or attempted to buy ...”

847. The dossier said only that intelligence showed “attempts to purchase”.

⁴⁴⁵ Private hearing, 5 May 2010, pages 14-15.

⁴⁴⁶ Private hearing, 13 July 2002, page 31.

848. Mr Blair stated that it would only take Saddam Hussein “a year or two” to acquire a usable nuclear weapon “if he were able to purchase fissile material illegally”, rather than the fuller and more cautious assessment in the dossier (page 27) that Iraq would need “essential components from foreign sources” to produce a warhead as well as fissile material.

849. Neither the dossier nor Mr Blair addressed the likelihood of Iraq being able to procure both fissile material and other essential components.

850. Mr Blair did not refer to the judgement in the dossier, which reflected the JIC Assessments on the issue, that “while sanctions remain effective Iraq would not be able to produce a nuclear weapon”.⁴⁴⁷ “If”, and only if, sanctions were removed or proved ineffective, Iraq would then need “at least five years to produce sufficient fissile material for a weapon”.

851. Mr Blair also stated that Iraq’s ballistic missile programme was “required for the delivery of chemical, biological and nuclear programmes” and that it was “clear that a significant number of longer-range missiles were effectively concealed from the previous inspectors and remain, including up to 20 extended-range SCUD missiles”. Subsequently, he added that the ballistic missile capability was “being developed for multi-purpose use, including with WMD warheads”.

852. This material was in the draft of 23 September.

853. The dossier (pages 22-23) stated that Iraq had a “variety of delivery means available for both chemical and biological agents”. It made no statement about the delivery of nuclear weapons.

854. The dossier did not include the reference in the JIC Assessment of 9 September 2002 to an intelligence report that:

“... suggests 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’.”⁴⁴⁸

855. There was no mention in the dossier of concealment of longer-range missiles, other than Iraq’s retention of “up to 20 Al Hussein missiles”.⁴⁴⁹

⁴⁴⁷ *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 27.

⁴⁴⁸ JIC Assessment, 9 September 2002, ‘Iraqi Use of Chemical and Biological Weapons – Possible Scenarios’.

⁴⁴⁹ *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 28.

856. Asked whether his statement that the WMD programme was growing applied to Iraq's nuclear programme, Mr Blair replied:

"... what was set out in the dossier, and set out in very detailed form, incidentally, were all the different items that he had been trying to procure, which could indicate a continuing interest in nuclear weapons."⁴⁵⁰

857. Asked whether it would have taken quite a long time to get from that point to having a usable nuclear weapon, Mr Blair told the Inquiry:

"... if you ask people about the nuclear weapons capability, for example, in respect of Iraq, some people would say, 'Yes, if they are doing it on their own, it is going to take significant amount of time, but you can foreshorten that time if you buy in the material'.

"So one of the reasons – and I emphasise again this whole proliferation issue and AQ Khan in particular – was that it always worried me that any of these countries, if they were so minded, could step up very quickly and get ..."⁴⁵¹

The Butler Review conclusions on the JIC authorship of the dossier

858. In its report, the Butler Review stated:

"We conclude that it was a serious weakness that the JIC's warnings on the limitation of the intelligence underlying its judgements were not made sufficiently clear in the dossier.

"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."⁴⁵²

⁴⁵⁰ Public hearing, 2 February 2010, page 88.

⁴⁵¹ Public hearing, 2 February 2010, pages 88-89.

⁴⁵² *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraphs 465-466.

859. The Butler Report recommended that governments in the future should make arrangements to avoid putting the JIC and its Chair into an area of public controversy and offered suggestions as to how that might be achieved.⁴⁵³

860. The Report stated:

“... we conclude that if intelligence is to be used more widely ... in public debate in future, those doing so must be careful to avoid 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.”⁴⁵⁴

861. The Government accepted the Committee’s conclusions on the public use of intelligence in its immediate response to the report and subsequently stated that: “Any future presentation of intelligence will separate the Government case from the JIC Assessment.”⁴⁵⁵

Conclusions

862. From late February 2002, the UK Government position was that Iraq was a threat that had to be dealt with; that Iraq needed to disarm in accordance with the obligations imposed by the UN; and that it was important to agree to the return of UN inspectors to Iraq.

863. The urgency and certainty with which the position was stated reflected both the ingrained belief – that Saddam Hussein’s regime retained chemical and biological warfare capabilities, was determined to preserve and if possible enhance its capabilities, including at some point in the future a nuclear capability, and was pursuing an active policy of deception and concealment – and the wider context in which the policy was being discussed with the US.

864. But it also served to fuel the demand that the Government should publish the document it was known to have prepared, setting out the reasons why it was so concerned about Iraq.

865. In the spring and summer of 2002, senior officials and Ministers took the view that the Iraq dossier should not be published until the way ahead on the policy was clearer.

866. By late August 2002, the Government was troubled by intense speculation about whether a decision had already been taken to use military force. In

⁴⁵³ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 467.

⁴⁵⁴ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 467.

⁴⁵⁵ Cabinet Office, *Review on Intelligence on Weapons of Mass Destruction: Implementation of its Conclusions*, March 2005, Cm6492, paragraph 13.

Mr Blair's words, the US and UK had been "outed" as having taken a decision when no such decision had been taken.

867. Mr Blair's decision on 3 September to announce that the dossier would be published was a response to that pressure.

868. The dossier was designed to "make the case" and secure Parliamentary (and public) support for the Government's position that action was urgently required to secure Iraq's disarmament.

869. The UK Government intended the information and judgements in the Iraq dossier to be seen to be the product of the JIC in order to carry authority with Parliament and the public.

870. SIS was commissioned by No.10 on 4 September to examine whether it had any additional material which could be included.

871. Mr Scarlett, as Chairman of the JIC, was given the responsibility for producing the dossier.

872. The dossier drew on the 9 September JIC Assessment, 'Iraqi Use of Chemical and Biological Weapons – Possible Scenarios', which had been commissioned to address scenarios for Iraq's possible use of chemical and biological weapons in the event of military action, previous JIC Assessments and the report issued by SIS on 11 September.

873. The SIS report should have been shown to the relevant experts in the DIS who could have advised their senior managers and the Assessments Staff.

874. Expert officials in DIS questioned the certainty with which some of the judgements in the dossier were expressed. Some of their questions were discussed during the preparation of the dossier. The text was agreed by Air Marshal Joe French, Chief of Defence Intelligence, at the JIC meeting on 19 September.

875. There is no evidence that other members of the JIC were aware at the time of the reservations recorded in the minute by Dr Jones of 19 September and that written by the chemical weapons expert in his team the following day.

876. The JIC accepted ownership of the dossier and agreed its content. There is no evidence that intelligence was improperly included in the dossier or that No.10 improperly influenced the text.

877. At issue are the judgements made by the JIC and how they and the intelligence were presented, including in Mr Blair's Foreword and in his statement to Parliament on 24 September 2002.

878. It is unlikely that Parliament and the public would have distinguished between the ownership and therefore the authority of the judgements in the Foreword and those in the Executive Summary and the main body of the dossier.

879. In the Foreword, Mr Blair stated that he believed the “assessed intelligence” had “established beyond doubt” that Saddam Hussein had “continued to produce chemical and biological weapons, that he continues in his efforts to develop nuclear weapons, and that he had been able to extend the range of his ballistic missile programme”. That raises two key questions.

- Did Mr Blair’s statements in whole or in part go further than the assessed intelligence?
- Did that matter?

880. The Inquiry is not questioning Mr Blair’s belief, which he consistently reiterated in his evidence to the Inquiry, or his legitimate role in advocating Government policy.

881. But the deliberate selection of a formulation which grounded the statement in what Mr Blair believed, rather than in the judgements which the JIC had actually reached in its assessment of the intelligence, indicates a distinction between his beliefs and the JIC’s actual judgements.

882. That is supported by the position taken by the JIC and No.10 officials at the time, and in the evidence offered to the Inquiry by some of those involved.

883. The assessed intelligence had not established beyond doubt that Saddam Hussein had continued to produce chemical and biological weapons. The Executive Summary of the dossier stated that the JIC judged that Iraq had “continued to produce chemical and biological agents”. The main text of the dossier said that there had been “recent” production. It also stated that Iraq had the means to deliver chemical and biological weapons. It did not say that Iraq had continued to produce weapons.

884. Nor had the assessed intelligence established beyond doubt that efforts to develop nuclear weapons continued. The JIC stated in the Executive Summary of the dossier that Iraq had:

- made covert attempts “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 nuclear programme that would require it”; and
- “recalled specialists to work on its nuclear programme”.

885. But the dossier made clear that, as long as sanctions remained effective, Iraq could not produce a nuclear weapon.

886. These conclusions draw on the evidence from the JIC Assessments at the time and the Executive Summary of the dossier, which are set out in this Section. They do not rely on hindsight.

887. The JIC itself should have made that position clear because its ownership of the dossier, which was intended to inform a highly controversial policy debate, carried with it the responsibility to ensure that the JIC's integrity was protected.

888. The process of seeking the JIC's views, through Mr Scarlett, on the text of the Foreword shows that No.10 expected the JIC to raise any concerns it had.

889. The firmness of Mr Blair's beliefs, despite the underlying uncertainties, is important in considering how the judgements in the Foreword would have been interpreted by Cabinet in its discussions on 23 September and by Parliament.

890. In his statement to Parliament on 24 September and in his answers to subsequent questions, Mr Blair presented Iraq's past, current and potential future capabilities as evidence of the severity of the potential threat from Iraq's weapons of mass destruction; and that, at some point in the future, that threat would become a reality.

891. By the time the dossier was published, President Bush had announced that the US was seeking action on Iraq through the UN, and Iraq had agreed to the return of inspectors.

892. Rather than the debate being framed in terms of the answers needed to the outstanding questions identified by UNSCOM and the IAEA, including the material for which UNSCOM had been unable to account, the dossier's description of Iraq's capabilities and intent became part of the baseline against which the UK Government measured Iraq's future statements and actions and the success of weapons inspections.

893. As the next Section of the Report demonstrates, the judgements remained in place without challenge until the invasion of Iraq in March 2003. Iraq's denials of the capabilities and intent attributed to it were not taken seriously.

894. As the flaws in the construct and the intelligence were exposed after the conflict, the dossier and subsequent statements to Parliament also became the baseline against which the Government's good faith and credibility were judged.

895. There will continue to be demands for factual evidence to explain the background to controversial policy decisions including, where appropriate, the explicit and public use of assessed intelligence.

896. The Inquiry shares the Butler Review's conclusions that it was a mistake not to see the risk of combining in the September dossier the JIC's assessment of intelligence and other evidence with the interpretation and presentation of the evidence in order to make the case for policy action.

897. The nature of the two functions is fundamentally different. As can be seen from the JIC Assessments quoted in, and published with, this report, they contain careful language intended to ensure that no more weight is put on the evidence than it can bear. Organising the evidence in order to present an argument in the language of Ministerial statements produces a quite different type of document.

898. The widespread perception that the September 2002 dossier overstated the firmness of the evidence about Iraq's capabilities and intentions in order to influence opinion and "make the case" for action to disarm Iraq has produced a damaging legacy, including undermining trust and confidence in Government statements, particularly those which rely on intelligence which cannot be independently verified.

899. As a result, in situations where the policy response may involve military action and the evidence, at least in part, depends on inferential judgements drawn from necessarily incomplete intelligence, it may be more difficult to secure support for the Government's position and agreement to action.

900. The explicit and public use of material from JIC Assessments to underpin policy decisions will be infrequent. But, from the evidence on the compilation of the September dossier, the lessons for any similar exercise in future would be:

- The need for clear separation of the responsibility for analysis and assessment of intelligence from the responsibility for making the argument for a policy.
- The importance of precision in describing the position. In the case of the September dossier, for instance, the term "programme" was used to describe disparate activities at very different stages of maturity. There was a "programme" to extend the range of the Al Samoud missile. There was no "programme" in any meaningful sense to develop and produce nuclear weapons. Use of the shorthand CW or BW in relation to Iraq's capability obscured whether the reference was to weapons or warfare. Constant use of the term "weapons of mass destruction" without further clarification obscured the differences between the potential impact of nuclear, biological and chemical weapons and the ability to deliver them effectively. For example, there would be a considerable difference between the effects of an artillery shell filled with mustard gas, which is a battlefield weapon, and a long-range ballistic missile with a chemical or biological warhead, which is a weapon of terror.

- The need to identify and accurately describe the confidence and robustness of the evidence base. There may be evidence which is “authoritative” or which puts an issue “beyond doubt”; but there are unlikely to be many circumstances when those descriptions could properly be applied to inferential judgements relying on intelligence.
- The need to be explicit about the likelihood of events. The possibility of Iraq producing and using an improvised nuclear device was, rightly, omitted from the dossier. But the claim that Iraq could build a nuclear weapon within one to two years if it obtained fissile material and other essential components from foreign sources was included without addressing how feasible and likely that would be. In addition, the Executive Summary gave prominence to the IISS suggestion that Iraq would be able to assemble nuclear weapons within months if it could obtain fissile material, without reference to the material in the main text of the dossier which made clear that the UK took a very different view.
- The need to be scrupulous in discriminating between facts and knowledge on the one hand and opinion, judgement or belief on the other.
- The need for vigilance to avoid unwittingly crossing the line from supposition to certainty, including by constant repetition of received wisdom.

901. When assessed intelligence is explicitly and publicly used to support a policy decision, there would be benefit in subjecting that assessment and the underpinning intelligence to subsequent scrutiny, by a suitable, independent body, such as the Intelligence and Security Committee, with a view to identifying lessons for the future.

SECTION 4.3

IRAQ WMD ASSESSMENTS, OCTOBER 2002 TO MARCH 2003

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Introduction and key findings

1. This Section addresses the assessments between October 2002 and 19 March 2003 of Iraq's capabilities and intentions to:

- develop, produce and use chemical, biological and nuclear weapons and ballistic missiles; and
- conceal those programmes from the inspectors and obstruct their activities.

2. The Section also addresses the:

- advice based on intelligence provided to Ministers and others; and
- withdrawal of three important streams of SIS reporting in 2003 and 2004.

3. The roles of the Joint Intelligence Committee (JIC) and Secret Intelligence Service (SIS) are addressed in Section 2.

4. The assessment of Iraq's capabilities and intentions to develop, produce and use chemical, biological and nuclear weapons and ballistic missiles between 2000 and July 2002, including the initial preparation of a paper on Iraq for publication, is addressed in Section 4.1.

5. The subsequent JIC Assessments of 21 August and 9 September, the preparation of the dossier published on 24 September and Mr Blair's statement to the House of Commons on the same day, are addressed in Section 4.2.

6. The post-invasion search for evidence of weapons of mass destruction (WMD) in Iraq, the Government's response to the failure to find stockpiles of WMD in Iraq, demands for an independent judge-led inquiry into pre-conflict intelligence on Iraq's WMD and the decision to establish the Butler Review, and the Government's involvement with the preparation and publication of the series of reports produced by the Iraq Survey Group (ISG), are addressed in Section 4.4.

7. The development of UK strategy and options during this period, including Mr Blair's and Mr Straw's statements to Parliament on 18 March 2003, is addressed in Sections 3.5 to 3.8.

8. The military planning for a campaign in which chemical and biological weapons could be used, and the arrangements to provide protection for UK Forces, is addressed in Sections 6.1 to 6.3.

Key findings

- The core construct that Saddam Hussein's regime retained chemical and biological warfare capabilities, was determined to preserve and if possible enhance its capabilities, including at some point in the future a nuclear capability, and was pursuing an active policy of deception and concealment, underpinned the UK

Government's position that Iraq was a threat that had to be dealt with and it needed to disarm or be disarmed.

- That remained the case up to and beyond the decision to invade Iraq in March 2003.
- The judgements about Iraq's capabilities and intentions relied too heavily on Iraq's past behaviour being a reliable indicator of its current and future actions.
- There was no consideration of whether, faced with the prospect of a US-led invasion, Saddam Hussein had taken a different position.
- The Joint Intelligence Committee (JIC) made the judgements in the UK Government September dossier part of the test for Iraq.
- Iraq's statements that it had no weapons or programmes were dismissed as further evidence of a strategy of denial.
- The extent to which the JIC's judgements depended on inference and interpretation of Iraq's previous attitudes and behaviour was not recognised.
- At no stage was the hypothesis that Iraq might no longer have chemical, biological or nuclear weapons or programmes identified and examined by either the JIC or the policy community.
- A formal reassessment of the JIC's judgements should have taken place after the report to the Security Council on 14 February 2003, by Dr Hans Blix, Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), or, at the very latest, after his report of 7 March.
- Intelligence and assessments made by the JIC about Iraq's capabilities and intent continued to be used to prepare briefing material to support Government statements in a way which conveyed certainty without acknowledging the limitations of the intelligence.
- The independence and impartiality of the JIC remains of the utmost importance.
- The Secret Intelligence Service (SIS) had a responsibility to ensure that key recipients of its reporting were informed in a timely way when doubts arose about key sources and when, subsequently, intelligence was withdrawn.

The UK assessment of Iraq's position, October to December 2002

9. As the previous Sections of this Report show, there was an ingrained belief within the UK Government that Saddam Hussein's regime retained chemical and biological warfare capabilities, was determined to preserve and if possible enhance its capabilities, including at some point in the future a nuclear capability, and was pursuing an active policy of deception and concealment.

10. The UK position reflected the widely shared view that when the UN inspectors left Iraq in December 1998, Iraq had not fully accounted for major gaps and inconsistencies in its declarations and had provided no credible proof that Iraq had destroyed its weapons stockpiles and production infrastructure as it claimed.

11. In addition, the description of Iraq's capabilities and intent in the UK Government dossier, *Iraq's Weapons of Mass Destruction. The Assessment of the British*

Government, published on 24 September, became part of the baseline against which the UK Government measured Iraq's statements and future actions and the success of weapons inspections.

Iraq's rebuttal of the UK dossier

12. The Iraqi Ministry of Foreign Affairs published a "detailed rebuttal" on 2 October, which described the UK dossier as "a series of lies and empty propaganda" which was "totally inconsistent" with the facts and reports made by the UN Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA).¹

13. The rebuttal emphasised Iraq's "intensive efforts" and co-operation between 1991 and 1998 in implementing resolution 687 (1991) and other UN Security Council resolutions. It also stated that Iraq had not imported any prohibited material.

14. Addressing the dossier's "claims about alleged activities after 1998", the Iraqi rebuttal stated:

- The "assumptions" about a nuclear programme were "groundless". Iraq's imports and facilities were subject to strict monitoring, including through the IAEA safeguards regime.
- The allegation that Iraq had tried to acquire uranium "from South Africa" was "a bogus lie".
- There were "no toxic chemical agents, precursors or chemical weapons"; and "no capabilities to produce chemical or biological agents".
- VX agent production required "an advanced technology" which was "not available in Iraq". It had not obtained "any large scale or significant production of VX agent" from equipment destroyed in 1997.
- The al-Muthanna site had been destroyed and was abandoned.
- The chlorine and phenol site at Fallujah 2 had produced chlorine for water purification and chlorine was no longer subject to monitoring.
- The Ibn-Sina site produced material for civil industries and its equipment had been tagged by UNSCOM.
- The al-Qaqa state company had no plant to produce phosgene and its equipment was tagged and monitored.
- Iraq was "completely clear of all biological weapons and agents" and did "not keep any quantity of these agents". The "botulinum protein" and "anthrax slurry" previously produced had a "short shelf life".
- The reaction to the allegation that mobile facilities were producing biological agent was "astonishment".

¹ Minute Miller to Manning, 4 October 2002, 'The Dossier: Iraq's Response' attaching Email FCO [junior official] to Hamill, 3 October 2002, 'Iraq's reply on Blair's Report' and Paper [CIC], [undated], 'Iraq – Still Playing Games'.

- Claims that Iraq had “reconstructed and renewed the sites ... previously used in producing biological agents” were “groundless and false”.
- Iraq did “not possess any missile with a range greater than 150km”.
- The new engine test station was for “horizontal testing” of “Al Samoud” engines and “could not be used for larger engines”.
- RPVs [remotely piloted vehicles] were for aerial reconnaissance.
- Facilities at the al-Mamoun plant had been destroyed and it could not be used for solid fuel missiles.

15. A review of the rebuttal by the Assessments Staff stated that it did not undermine the UK dossier and in a number of key areas failed to provide a credible response.

16. Mr Julian Miller, Chief of the Assessments Staff, told Sir David Manning, Mr Blair’s Foreign Policy Adviser and Head of the Cabinet Office Overseas and Defence Secretariat (OD Sec), that a review of the rebuttal conducted by the Assessments Staff, the intelligence agencies and the FCO dismissed the rebuttal as: “In broad terms ... very weak; long on rhetoric and short on detail.”²

17. Mr Miller added that the document presented “a somewhat rosy picture” of Iraq’s relationship with UNSCOM. He characterised Iraq’s refutation of the UK “claim that its WMD programmes have continued post 1998” as an “attitude of denial”.

18. Mr Miller stated that there was “nothing in the detail of the Iraqi reply” that undermined the dossier and that:

“In a number of key areas they have failed to provide any credible response. For example they:

- claim that accusations that they are seeking uranium from South Africa is a ‘bogus lie’. But the dossier did not mention South Africa ...
- claim the al-Rafah [engine] test stand is for horizontal rather than vertical engine testing Al Samoud missile ...
- merely state that accusations of mobile biological agent production facilities are ‘astonishing’.”

19. Under a heading ‘Iraq: Still Playing Games’, press lines prepared by the Communications and Information Centre (CIC) focused on:

- Iraq’s pre-1998 co-operation with UNSCOM and its failures to:
 - provide full and comprehensive disclosures;

² Minute Miller to Manning, 4 October 2002, ‘The Dossier: Iraq’s Response’ attaching Email FCO [junior official] to Hamill, 3 October 2002, ‘Iraq’s reply on Blair’s Report’ and Paper [CIC], [undated], ‘Iraq – Still Playing Games’.

- allow the inspectors immediate, unconditional and unrestricted access to relevant sites, documents and persons; and
- the material for which UNSCOM had been unable to account.

20. The press lines did not acknowledge or address Iraq's explicit denials of possession of prohibited weapons, materials and programmes.

21. Mr Miller concluded: "I do not think we need to offer a fuller reply to any of Iraq's claims."

22. There was no consideration of the risks which Iraq would have faced by issuing a detailed rebuttal which inspections might show to be untrue.

JIC Assessment, 11 October 2002: 'Iraq: The Return of UN Inspectors'

23. The JIC assessed on 11 October that Saddam Hussein was determined to retain Iraq's proscribed weapons programme and that he was confident he could prevent the UN inspectors, operating under existing UN resolutions, from finding any evidence before military options started to close in spring 2003.

24. Without specific intelligence, the inspectors would not know where to look.

25. As military pressure increased, Iraq's concealment policy could be undermined by the requirement to prepare hidden "chemical and biological missile systems for military deployment".

26. At the request of OD Sec, the JIC assessed Iraq's attitude and approach to dealing with the return of UN weapons inspectors.³ It also assessed Iraq's concealment policy.

27. The minutes of the JIC discussion of the draft Assessment on 9 October recorded that:

- Iraq was "very confident" about its concealment policy and "had put a lot of effort into ensuring that inspectors would not find anything".
- "UNMOVIC [UN Monitoring, Verification and Inspection Commission] still had no information about suspect sites and without specific intelligence, it would be impossible for them to know where to start looking."
- "A tougher, penetrative [inspections] regime backed by a good intelligence flow from inside Iraq, would therefore be absolutely central to success".
- "... [A]s military pressure increased, the point would come when concealment would make it impossible" for Iraq to "prepare for weaponisation".⁴

³ JIC Assessment, 11 October 2002, 'Iraq: The Return of UN Inspectors'.

⁴ Minutes, 9 October 2002, JIC meeting.

28. The JIC Assessment, 'Iraq: The Return of UN Inspectors', was issued on 11 October.⁵

29. The JIC's Key Judgements were:

- “• Saddam is determined to retain Iraq's proscribed weapons programmes. He is confident that he can prevent UNMOVIC, operating on the basis of existing UNSCRs [United Nations Security Council resolutions], from finding any evidence before military options start to close off in spring 2003.
- Concealment and dispersal of sensitive items are the main elements of Iraq's strategy for dealing with UNMOVIC. The inspectors are hampered by poor preparedness and a lack of intelligence, so far, to guide them.
- Saddam will probably accept a new UN resolution. If inspections are conducted under a tougher regime, and if specific intelligence on WMD locations is forthcoming in response to clear US determination to topple Saddam, UNMOVIC might find evidence of Iraq's WMD programmes.
- In the short-term, we do not expect a repeat of the blatant Iraqi policy of intimidation and obstruction that UNSCOM encountered. Widespread Iraqi obstruction would be seen as too obvious a challenge to the authority of the UN. But if inspectors come close to uncovering evidence of WMD, Iraq will employ a wide range of tactics to delay their work.
- Iraq will use all diplomatic efforts, backed by its economic leverage on its neighbours, to undermine political support for a continuation of the inspections and sanctions.”

30. The Assessment is addressed in detail in Section 3.5. The key points in relation to Iraq's possession of WMD and its intent to conceal its capabilities and deceive the inspectors were:

- Intelligence indicated that Saddam Hussein was “determined to retain Iraq's weapons of mass destruction”, which he considered “to be a key part of Iraq's regional political and military power”. He was “adamant that UN weapons inspectors should not be allowed to find and destroy the WMD capability that Iraq has been able to develop further in the four years since UNSCOM left in 1998”.
- Iraq was “confident” that it could “ensure the inspectors, acting under the terms of existing UNSCRs”, would “not be able to find anything when they return and that Iraq will retain its proscribed weapons programmes”.
- “A body of intelligence” indicated that “concealment and dispersal of sensitive items” were “the main planks of Iraq's strategy to deal with the return of weapons inspectors”. Saddam Hussein had “reportedly taken into account the

⁵ JIC Assessment, 11 October 2002, 'Iraq: The Return of UN Inspectors'.

experience gained during the UNSCOM inspections” and believed he could “exploit weaknesses in the inspections regime” in resolution 1284 (1999).

- Qusay Hussein (Saddam Hussein’s son) had “instructed that the production of sensitive materials be moved to other secret locations. We have little intelligence on these locations ...”
- Iraq’s concealment efforts were “widespread”. Iraq had “had time to prepare”; and stocks of chemical and biological weapons would be “considerably smaller than after the Gulf War”.
- Intelligence showed that “steps were being taken to prevent weapons inspectors from finding any prohibited weapons, sensitive papers and documents, including by hiding them in residential buildings, schools and private homes. Duplicate and non-essential papers had been destroyed and the remaining archives had been split up and hidden in the homes of trusted officials. In the absence of specific intelligence, the prospects of successfully finding illicit material at such sites is very limited ...”
- Iraq was “exploiting dual-use sites and mobile production facilities” and reporting indicated that it was “confident that any inspection of dual-use facilities” would be “unsuccessful”: the equipment could be used for legitimate purposes “and any incriminating raw material or prohibited product would be removed before any inspection”.
- Iraq had “developed transportable biological production facilities with the intention of not only making it harder to target them but also difficult to find them. Iraq may also have dispersed stocks of chemical and biological weapons away from suspect sites to avoid detection. Intelligence indicates that Iraq has explored unorthodox options for delivering chemical and biological weapons which means the weapons inspectors will have difficulty knowing what to look for.”
- Iraq was “confident in its concealment plans”. “The fact that Saddam is prepared, temporarily, to allow sensitive equipment out of his ‘immediate’ control, indicates the importance he attaches to retaining chemical and biological weapons and ballistic missiles.”

31. Commenting on Iraq’s repeated statements that it had “nothing to declare and no documents to reveal”, the Assessment stated:

“... the longer inspectors remain in Iraq the greater the likely impact on Iraq’s development programmes. UNMOVIC are more likely to come up with evidence of proscribed activity at Iraq’s missile facilities than those associated with the chemical, biological and nuclear programmes. We judge that production could continue at a much reduced level whilst inspectors were in-country. As the military pressure against Iraq increases, its concealment policy could be undermined by the Iraqi requirement to prepare its hidden stocks of chemical and biological missile systems for military deployment.”

The US National Intelligence Estimate

32. On 1 October, the Central Intelligence Agency (CIA) produced its National Intelligence Estimate (NIE) on 'Iraq's Continuing Programs for Weapons of Mass Destruction'.⁶

33. An unclassified document based on the NIE, published on 4 October, included the following judgements:

- "Iraq has continued its weapons of mass destruction (WMD) programs in defiance of UN resolutions and restrictions. Baghdad has chemical and biological weapons as well as missiles with ranges in excess of UN restrictions; if left unchecked, it probably will have a nuclear weapon during this decade."
- "Baghdad hides large portions of Iraq's WMD efforts ..."
- "Since inspections ended in 1998, Iraq has maintained its chemical weapons effort, energized its missile program, and invested more heavily in biological weapons; most analysts assess Iraq is reconstituting its nuclear weapons program."
- "How quickly Iraq will obtain its first nuclear weapon depends on when it acquires sufficient weapons-grade fissile material."
- "Baghdad has begun renewed production of chemical warfare agents, probably including mustard, sarin, cyclosarin, and VX." Iraq's capability was "probably more limited now" than it was in 1991, although VX production and agent storage life had probably "been improved". Iraq probably possessed "CW [chemical warfare] bulk fill" for ballistic missile warheads "including for a limited number of covertly stored, extended range Scuds".
- "All key aspects – R&D, production, and weaponization – of Iraq's offensive BW [biological warfare] program are active and most elements are larger and more advanced than they were before the Gulf war."
- "Iraq maintains a small missile force and several development programs, including for a UAV [unmanned aerial vehicle] that most analysts believe probably is intended to deliver biological warfare agents."⁷

34. The discussion of Iraq's biological warfare programme included reference to "a large-scale, redundant, and concealed BW agent production capability, which includes mobile facilities; these facilities can evade detection, are highly survivable, and can exceed the production rates Iraq had prior to the Gulf war".

35. The discussion on the Iraqi nuclear programme referred to "Iraq's aggressive attempts to obtain proscribed high-strength aluminium tubes" and stated that all "intelligence experts agree that Iraq is seeking nuclear weapons and that these tubes

⁶ CIA, 1 October 2002, 'National Intelligence Estimate, Iraq's Continuing Programs for Weapons of Mass Destruction'.

⁷ CIA, 4 October 2002, *Iraq's Weapons of Mass Destruction Programs*.

could be used in a centrifuge enrichment program”, although it acknowledged that some did not believe that this was their intended use.

36. In July 2004, the Senate Select Committee on Intelligence produced a *Report ... on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq*.⁸ The conclusions of the Committee drew attention to the uncertainties behind the judgements in the NIE (see Section 4.4).

37. In their letter to President Bush on 31 March 2005, the members of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, established by President Bush on 6 February 2004, drew attention to the failure to make clear just how much of the analysis was based on assumptions, rather than good evidence.⁹

38. Writing in 2012, Mr Colin Powell, US Secretary of State, described the NIE evidence as “mostly circumstantial and inferential”, but “persuasive”.¹⁰

PRESIDENT BUSH'S SPEECH IN CINCINNATI, 7 OCTOBER 2002

39. In advance of the votes in Congress to authorise the use of force if it proved necessary to enforce Security Council demands, President Bush used a speech in Cincinnati on 7 October to set out in detail the case for urgent action to disarm Iraq.¹¹ President Bush stated that Iraq “possesses and produces chemical and biological weapons” and “the evidence indicates that Iraq is reconstituting its nuclear weapons program”.

40. Other points made by President Bush included:

- There were concerns that Iraq was “exploring ways of using UAVs for missions targeting the United States”.
- Iraq and Al Qaida (AQ) had “high level contacts that go back a decade”.
- Some AQ leaders who had fled Afghanistan were in Iraq, including “one very senior ... leader” who had “been associated with planning for chemical and biological attacks”.
- “[C]onfronting the threat posed by Iraq” was “crucial to winning the war against terror”. Saddam Hussein was “harboring terrorists and the instruments of terror, the instruments of mass death and destruction”. He could not be trusted and the risk that he would “use them, or provide them to a terror network” was “simply too great”.

⁸ Select Committee on Intelligence, 9 July 2004, *Report of the Select Committee on Intelligence on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq*.

⁹ The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, 31 March 2005, *Report to the President of the United States*.

¹⁰ Powell, C with Koltz T. *It Worked for Me: In Life and Leadership*. Harper Perennial, 2012.

¹¹ The White House, 7 October 2002, *President Bush Outlines Iraqi Threat*.

- The enemies of the US would be “eager to use biological or chemical, or a nuclear weapon”, and it “must not ignore the threat”: “Facing clear evidence of peril, we cannot wait for the final proof – the smoking gun – that could come in the form of a mushroom cloud.”

Security Council open debate, 16 and 17 October 2002

41. In his statement on 17 October, during an open debate on Iraq, Sir Jeremy Greenstock, UK Permanent Representative to the United Nations in New York, emphasised the reliability of the intelligence on which the UK analysis of Iraq’s capabilities was based.

42. The Non-Aligned Movement (NAM) asked on 10 October for an “emergency open debate on the situation in Iraq”.¹²

43. An open debate of the Council, attended by more than 50 Member States or Permanent Observers, in addition to the members of the Security Council, took place on 16 and 17 October.¹³

44. In his statement on 17 October, Sir Jeremy Greenstock set out the UK position. In relation to Iraq’s weapons of mass destruction he stated:

“We remain deeply perturbed by evidence that Iraq believes it can hide its weapons of mass destruction rather than declare them, that it can again fool the inspectors and play games with them. The United Kingdom analysis, backed by reliable intelligence, indicates that Iraq still possesses chemical and biological materials, has continued to produce them, has sought to weaponise them, and has active military plans for the deployment of such weapons. The United Kingdom analysis, backed up by reliable intelligence, shows that Iraq has in recent years tried to buy multiple components relevant to the production of a nuclear bomb. The United Kingdom analysis, backed by reliable intelligence, points to the retention of extended-range missiles and to the employment of hundreds of people in projects to develop weapons with a range of over 1,000 kilometres that could carry both weapons of mass destruction and conventional warheads.

“It would be an abdication of responsibility to ignore this challenge to the international community ...”

¹² UN Security Council, ‘Letter dated 10 October 2002 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council’ (S/2002/1132).

¹³ UN Security Council, ‘4625th Meeting Wednesday 16 October 2002’ (S/PV.4625, S/PV.4625 Resumption 1); UN Security Council, ‘4625th Meeting Thursday 17 October 2002’ (S/PV.4625, S/PV.4625 Resumption 2, S/PV.4625 Resumption 3).

JIC Current Intelligence Group Assessment, 28 October 2002: 'Global Chemical and Biological Weapons Survey'

45. A global survey of chemical and biological weapons on 28 October addressed the practicalities of producing chemical and biological weapons and how they might be used.

46. It stated that intelligence indicated that Iraq continued to produce chemical agent. It assessed that Iraq was producing chemical and biological agents and that the agents could be weaponised; it did not say that Iraq was doing so.

47. At the request of the MOD, the JIC issued a Current Intelligence Group (CIG) global survey of chemical and biological weapons on 28 October.¹⁴ It provided a general assessment of the practicalities involved in producing and using chemical and biological agents, and an assessment of the capabilities of several countries, including Iraq. It highlighted the relative ease with which many chemical and biological agents could be produced and disseminated, and the impact of their use.

48. The Key Judgements stated:

- “• There are few significant technical problems in the production or dissemination of many chemical warfare (CW) and biological warfare (BW) agents.
- Ballistic missiles and most conventional munitions, such as artillery shells, rockets and aerial bombs can be modified to deliver agent. It can also be sprayed from land or marine platforms and a variety of aerial systems.
- BW agents are less suitable for some battlefield roles than CW because they generally act more slowly. CBW could play an increasing role in military thinking, especially asymmetrically. The use of even small quantities of CW could help redress conventional superiority on the battlefield. BW agents have the potential for covert, deniable delivery which is particularly suited to terrorist-type attacks and asymmetric warfare.
- The potential for the proliferation of CBW is increasing. Arms control treaties and export regimes hinder, but cannot stop the trends.
- There is a growing risk of secondary proliferation [of technical knowledge and experience as well as equipment and hardware] between countries of concern. [...]
- States are increasingly using sophisticated denial, deception and concealment methods, including the use of dual-use and/or underground facilities, to hide their activities.”

¹⁴ CIG Assessment, 28 October 2002, 'Global Chemical and Biological Weapons Survey'.

49. Other points made in the Assessment included:

- The equipment and materials used in the production of CW and BW agents were “subject to international export controls imposed by some countries but all are dual-use. They can therefore be imported for legitimate purposes.”
- “Once in country it is difficult to prevent such equipment and materials being diverted to offensive CBW programmes.”
- “The very large quantities of CW agent required for a significant military attack (of the order of one tonne, optimally disseminated, is needed to contaminate 2.5 sq km ...) mean that a large-scale delivery capability is needed.”
- “The effectiveness of an attack depends on the lethality and persistency of the agent ...”
- “BW agents are more potent than CW agents, cheaper, easier to produce and usable against a wide range of targets. A country does not need a sophisticated biotechnology industry to produce BW. Their potency means that the quantities required for an effective large-sale attack are relatively small ... and have the potential to cause more casualties. If effectively disseminated in unprotected urban population centres some BW agents could cause casualties on a scale similar to that of a nuclear attack. Of particular concern are agents that are not just virulent, but highly infectious and capable of causing an epidemic ... [E]ffective delivery is difficult to guarantee.”

50. In relation to Iraq's chemical weapons programme, the Assessment stated:

“We continue to judge ... that **Iraq** has an offensive CW programme and intelligence indicates that it has continued to produce chemical agent ... Despite UNSCOM's efforts, we believe Iraq retained some production equipment, small stocks of agent precursors, and small quantities of agents and weapons, including warheads for the Al Hussein 650km ballistic missile. Apart from this hidden capability, Iraq has also retained documentation on CW agent production and experienced key personnel. Despite the constraints that have been put in place to restrict Iraq's access to dual-use equipment, the chemical industry has been built up and could be used to support an offensive CW programme.”

51. In relation to Iraq's biological weapons programme, the Assessment stated:

“... 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 that 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.”

52. The Assessment also stated:

“Iraq also researched a number of other agents within its offensive programme, some of which may be available for production. “Iraq can weaponise CBW agents into missile warheads, bombs, artillery rockets and shells, and could adapt helicopters, manned and un-manned aircraft ... to disseminate agent. CBW plays an important role in Iraqi military thinking. As compensation for its conventional military weakness Iraq is determined to retain CBW in order to dominate its neighbours. Intelligence indicates Iraq is ready to use CBW weapons and that munitions could be with military units and ready for firing within 20-45 minutes.”

53. Addressing the judgements in the Assessment, the *Review of Intelligence on Weapons of Mass Destruction*, chaired by Lord Butler of Brockwell, stated:

“The judgement that Iraq was continuing to produce chemical agent was supported by one new intelligence report received on 30 September.”¹⁵

“... The most significant change in this assessment was in the JIC’s indication ... that the intelligence on mobile biological agent production facilities had been ‘confirmed’ ... 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 source.”¹⁶

Iraq’s response to resolution 1441

54. Resolution 1441 was adopted on 8 November 2002 by a unanimous vote of the members of the Security Council.¹⁷ Referring to his statement on 17 October, during the Security Council’s open debate on Iraq, Sir Jeremy Greenstock stated that there was “no shadow of doubt” that Iraq had defied the UN and had sought to hinder and frustrate inspections since 1991.

55. Iraq announced on 13 November that it would comply with resolution 1441.

56. Iraq re-stated its position that it had neither produced nor was in possession of weapons of mass destruction since the inspectors left in December 1998. It explicitly challenged the UK statement on 8 November that Iraq had “decided to keep possession” of its WMD.

¹⁵ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 347.

¹⁶ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 349.

¹⁷ UN Security Council, ‘4644th Meeting Friday 8 November 2002’ (S/PV.4644).

57. Iraq informed the Security Council of its decision to comply with the resolution “without conditions” in a letter from Mr Naji Sabri, the Iraqi Foreign Minister, to Mr Kofi Annan, the UN Secretary-General, on 13 November 2002.¹⁸

58. The key points in the letter in relation to WMD were:

- The claims by President Bush and Mr Blair that “Iraq might have produced, or might have been on the way to producing, nuclear weapons” since 1998 and that “Iraq had indeed produced chemical and biological weapons” was “an utterly unfounded fabrication” and “baseless”.
- Iraq had agreed to the return of inspectors, and had “already stated” that it had “neither produced nor possessed any nuclear, chemical or biological weapons of mass destruction during the absence of the inspectors”.

59. The letter challenged a statement made by Sir Jeremy Greenstock that Iraq had been provided with the opportunity to dispose of its weapons of mass destruction, but Iraq had ignored that opportunity and decided to keep possession. The letter asked why “none of the representatives” of the members of the Security Council had “asked ... when, how or where such an alleged decision had been taken by Iraq to keep weapons of mass destruction”.

60. The UK remained sceptical about Iraq’s intentions, focusing on its track record of deceit, and repeating the need to maintain the threat of military action to secure compliance.

61. In a lecture that evening, Mr Jack Straw, the Foreign Secretary, welcomed Iraq’s response “so far as it goes” but added:

“... we must remain vigilant for experience with Iraq tells us to temper optimism with scepticism and to read the small print. Iraq’s intentions are notoriously changeable. What matters above all is their actions not their words.

“... The history of UN weapons inspections in Iraq is littered with examples of deceit, evasion, intimidation and harassment. I hope even Iraq will recognise the consequences of any repeat. If Saddam fails to co-operate fully, then he faces force.”¹⁹

¹⁸ UN Security Council, ‘Letter dated 13 November 2002 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General’ (S/2002/1242).

¹⁹ The National Archives, 13 November 2002, *The Future of Foreign Policy*.

JIC ASSESSMENT, 14 NOVEMBER 2002: 'IRAQ: REGIME COHESION UNDER PRESSURE'

62. The JIC judged on 14 November that:

- **Iraq accepted resolution 1441 because Saddam Hussein knew that this was the only way to avert a large-scale US-led ground attack.**
- **Iraq could try to overload UNMOVIC by releasing large volumes of information about legitimate industries. It might admit to some “expendable” parts of its WMD, but it would focus on concealing sensitive items from inspectors.**

63. In parallel with the adoption of resolution 1441, the JIC decided to revisit its July 2002 Assessment of regime cohesion in Iraq to:

“... examine how the Iraqi regime is responding to mounting international pressure ... [and] assess whether there are any signs of strain within the regime and evaluate the speed and effectiveness of Iraqi decision-making.”²⁰

64. In the JIC discussion of the draft Assessment on 13 November, the point was made that concealment and the retention of a WMD capability “remained a cornerstone of Saddam’s policy” and his intention was to allow the inspectors in and manage the inspections indefinitely as a means of avoiding conflict. But the resolution put the onus on Iraq to prove it had no WMD programmes. The inspectors would need to be prepared to deal with diversionary tactics including lengthy inspections of sites not related to WMD.²¹

65. The JIC Assessment, ‘Iraq: Regime Cohesion Under Pressure’, was issued on 14 November.²² In its Key Judgements the JIC stated:

- Iraq accepted resolution 1441 “because Saddam knew that this was the only way to avert a large-scale US-led coalition ground attack. The regime probably believes that a coalition attack will not be possible when inspectors are inside Iraq.”
- “Iraq could try to overload UNMOVIC by releasing large volumes of information about legitimate industries. Although less likely, Iraq might admit to some ‘expendable’ parts of its WMD programmes to demonstrate ostensible co-operation and to provoke divisions in the UN. But it will focus on concealing sensitive items from inspectors.”

²⁰ JIC Assessment, 14 November 2002, ‘Iraq: Regime Cohesion Under Pressure’.

²¹ Minutes, 13 November 2002, JIC meeting.

²² JIC Assessment, 14 November 2002, ‘Iraq: Regime Cohesion Under Pressure’.

66. In relation to Iraq's WMD programmes and the return of inspectors, the Assessment stated:

- Saddam Hussein's "overriding priority" was "regime survival" and "he also had a very strong commitment to retaining WMD" which he saw as "key to Iraqi power and influence". Iraq had "no credible alternative to ostensible co-operation with the UN".
- The JIC had "no new intelligence" on whether Iraq would "declare any prohibited materials or activity in response" to resolution 1441. Any disclosures on WMD would "damage the regime's already limited credibility, given its continuing blanket denials of WMD possession". The Iraqi regime would "seek to take advantage of any opportunity to fudge Iraq's obligations or delay the UN process".
- Senior Iraqis agreed "that Iraq should maintain a WMD capability", but if UNMOVIC made "demonstrable progress which threatens to overcome Iraq's policy of deception and concealment, and Saddam refuses to give ground, there could be pressure on key insiders to break with Saddam in order to ensure their own survival".

INTELLIGENCE UPDATE, 21 NOVEMBER 2002

67. Mr John Scarlett, Chairman of the JIC, wrote to No.10 on 21 November to highlight new intelligence on Iraq's thinking on managing UNMOVIC which he considered "confirmed" earlier JIC judgements.

68. Mr Scarlett concluded that the Iraqi regime was confident in its ability to mislead the inspectors.

69. Subsequent intelligence that Saddam Hussein had made clear that UNMOVIC was to be given no grounds for claiming that inspections were being obstructed was interpreted as part of a policy of concealment. The possibility that it might have indicated an intention to co-operate with UNMOVIC appears not to have been considered.

70. Mr Scarlett wrote to Sir David Manning and other senior officials on 21 November drawing their attention to "the first significant [...] intelligence we have received on the Iraqi regime's thinking on how to manage UNMOVIC" since the adoption of resolution 1441.²³

71. Mr Scarlett stated that the key points were:

- Iraq intended to demonstrate its ostensible co-operation with UNMOVIC but would actually resume its game playing.

²³ Minute Scarlett to Manning, 21 November 2002, 'Iraqi Strategy for Dealing with UNMOVIC'.

- Iraq intended to declare a small part of its illegal programmes, and overload UNMOVIC with large quantities of information on legitimate activities.
- WMD were seen as vital to the regime's survival, so a core WMD capability and infrastructure must be retained.
- Iraq was concerned about the provisions for conducting interviews of Iraqis outside Iraq, which could expose illicit procurement.
- There was concern about the potential destruction by the inspectors of dual-use facilities.

72. Mr Scarlett commented that the concerns about exposing illicit procurement might be referring to conventional weapons programmes and that the dual-use facilities supported “the WMD programmes”.

73. Mr Scarlett wrote that the intelligence confirmed earlier JIC judgements, including the identification of “overload” as a potential strategy. There was no intelligence on which illegal programmes might be declared.

74. Mr Scarlett also drew attention to preparations to intimidate potential Iraqi interviewees.

75. Mr Scarlett's other comments included the observations that there seemed to be:

“... an inconsistency in Iraq's policy towards inspectors. The [intelligence] indicates the regime plans to let the inspectors into any site. But it also indicates that the regime must rethink a core WMD capability.”

76. Mr Scarlett concluded that it was “possible” that Iraq was “so confident of its concealment strategy that it believes inspectors will not discover prohibited activity. Nonetheless, this [intelligence] is important in that it further confirms that ultimately the Iraqi regime does not envisage having to accept genuine and complete disarmament, and is confident in its ability to mislead inspectors.”

77. The intelligence described by Mr Scarlett was based on reported comments, including from someone with access to senior members of the Iraqi regime; but it was not quoting Saddam Hussein's views.

78. Mr Alastair Campbell, Mr Blair's Director of Communications and Strategy, wrote in his diaries:

“There was some interesting stuff around on deception programmes, for example [Iraqi] officials being forced to put papers and materials in their homes with the warning that they and their families would be harmed if they were lost.”²⁴

²⁴ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

79. The Assessments Staff Intelligence Update on 26 November stated that intelligence indicated Saddam Hussein was personally handling all dealings with UNMOVIC; and he was confident the inspectors would not find anything, nor find grounds for claiming Iraq had obstructed its work.²⁵

80. The Update was summarising intelligence from a reliable source quoting Saddam Hussein's own views second hand. The intelligence reported that Saddam Hussein had made clear UNMOVIC was to be given no grounds for claiming that inspections were being obstructed; not that he was confident that the inspectors would not find grounds for claiming that they were being obstructed.

81. An Assessments Staff Intelligence Update on 3 December summarised recent reporting which suggested that Iraqi personnel were observing the inspectors, that officials had been instructed on how to handle the inspection teams, and that questioning overseas was forbidden.²⁶

82. The Update also reported that:

- Iraq was afraid that inspectors would destroy weapons and materials which were not proscribed but had been acquired by procurement activities in contravention of resolution 687 (1991).
- There was reporting indicating that Iraq believed inspectors would not detect modifications to extend missile ranges.

SECURITY COUNCIL, 25 NOVEMBER 2002

83. Dr Hans Blix, the Executive Chairman of UNMOVIC, gave an informal briefing to the Security Council on 25 November, reporting on his visit to Baghdad from 18 to 19 November with Dr Mohamed ElBaradei, the Director General of the IAEA.²⁷ Dr Blix told the Council that they had been assured Iraq intended to provide full co-operation.

84. Dr Blix reported that he had told Iraq that "many governments believed that WMD programmes remained in Iraq"; and that "The Council had wanted to offer Iraq a last opportunity. If the Iraqi side were to state – as it still did at our meeting – that there were no such programmes, it would need to provide convincing documentary or other evidence." The FFCs (Full, Final, and Complete Declarations) submitted by Iraq to UNSCOM had, "in many cases left it an open question whether some weapons remained".

²⁵ Minute [Assessments Staff Intelligence Update], 26 November 2002, 'Iraq – 26 November 2002'.

²⁶ Minute [Assessments Staff Intelligence Update], 3 December 2002, 'Iraq: 3 December 2002'.

²⁷ UNMOVIC, *Briefing of the Security Council on 25 November 2002, Executive Chairman's visit to Baghdad*.

FCO ADVICE, 29 NOVEMBER 2002

85. On 29 November, in response to a request from Sir David Manning, Mr Straw's Private Office provided advice on handling Iraq's declaration required by resolution 1441.²⁸

86. The FCO advised that Iraq could maintain it had "no WMD and defy UNMOVIC/IAEA to prove them wrong, confident that they can conceal the programmes uncovered by UNSCOM in 1998", but the expectation was that it would be "more subtle: declaring very large quantities of dual-use items and programmes and reiterating all ... past declarations ... In both cases our assumption is that they will continue to hide programmes ..."

87. The UK aim should be to get the inspectors to "check (or audit)" the declaration "as soon as possible through intrusive inspections, interviews and access to records" against information from other sources, including:

- The information available to UNSCOM in 1998. If Iraq declared "nothing", it "must demonstrate the destruction of material or the disbandment of possible WMD programmes identified by UNSCOM".
- "Intelligence material provided by the US/UK. We have already pointed UNMOVIC towards key sites and provided a list of 6,500 individuals involved in WMD programmes ..."
- Where the declaration was "inconsistent with intelligence", the UK would "want UNMOVIC/IAEA to be able to discover that inconsistency on the ground before notifying the Council". That would avoid giving Iraq the chance to conceal evidence.

JIC Assessment, 6 December 2002: 'Iraq: Military Options'

88. On 6 December 2002, as part of a wider assessment of Iraq's military capabilities and options, the JIC judged that Saddam Hussein would use chemical and biological weapons if he faced defeat, and might use them earlier in a conflict.

89. The Assessment itself identified possible practical and political considerations which might constrain such use.

90. An Assessments Staff Intelligence Update on 27 November 2002, 'Iraqi Use of Chemical and Biological Weapons – Possible Scenarios',²⁹ reported that intelligence on Iraq's plans for using chemical and biological weapons remained "limited".³⁰ It referred to intelligence that, in early September, Saddam Hussein had reiterated his intention to use CBW to defend his regime "if allied forces approached Baghdad, if Basra, Kirkuk or

²⁸ Letter Sinclair to Manning, 29 November 2002, 'Iraq: 8 December Declaration'.

²⁹ The reporting reflected in this Update was withdrawn on 28 September 2004.

³⁰ Minute [Assessments Staff Intelligence Update], 27 November 2002, 'Iraqi Use of Chemical and Biological Weapons – Possible Scenarios'.

Mosul fell to allied control, or if Iraqi military units rebelled". He "would wait and see how neighbouring countries reacted to any Allied attack, and whether they had allowed their territory to be used by Allied forces, before deciding whether to use CBW against them". His initial "targets" would be "Israel, Kuwait and Jordan".

91. In the JIC discussion on 4 December, the draft Assessment was described as "an important paper which highlighted the gaps in our knowledge".³¹ The judgements were based "largely on a mixture of observation and past experience", but the Assessment "did not quite do justice to the intelligence"; the judgements "could be made more confidently". The Assessment needed to bring out more clearly the risks of a phased attack and unpack the risks involved in possible scenarios, such as the possible use of CBW before Coalition Forces were properly assembled and urban fighting.

92. The JIC issued an Assessment of Iraq's military capabilities and options, which is considered in more detail in Section 6.1, on 6 December 2002.³²

93. A Key Judgement stated that:

"Saddam would use chemical and biological weapons ... if he faced defeat. He might also use them earlier in a conflict, including against Coalition Forces, neighbouring states and his own people. Israel could be his first target ..."

94. In the main text, the JIC set out its assessment of Iraq's missiles and unguided rockets. The text of the Assessment stated that, given the limited number of Al Hussein missiles, Iraq would use them "principally against Israel". Shorter-range missiles and unguided rockets "might be used against deployed coalition forces or Iraq's neighbours".

95. The Assessment stated:

"We judge Iraq would be able to arm at least some of the missiles and rockets with chemical and biological (CBW) warheads. Iraqi aircraft or artillery could also deliver CBW. [...] in mid-September Saddam re-iterated his willingness to use CBW, [...]. Saddam also envisaged using CBW against Israel, Kuwait, and Jordan. This is consistent with earlier intelligence, but we lack definite corroboration. [...] Iraqi interest in procuring large quantities of protective equipment and treatments for exposure to nerve agent. [...] the regime would consider using CBW against internal uprisings or Shia-populated Iraqi cities, and for propaganda purposes could seek to blame the coalition. CBW use against civilians could cause severe casualties. And even relatively small-scale use could cause widespread panic and a serious humanitarian impact. Iraq's ability to use CBW might be constrained by its available stocks of agent and the difficulty of producing more while inspectors are present. But we do not know the extent of Iraq's current stocks or what it might have at such a stage."

³¹ Minutes, 4 December 2002, JIC meeting.

³² JIC Assessment, 6 December 2002, 'Iraq: Military Options'.

96. The JIC also stated:

“In determining whether to use CBW, Saddam would have to balance the risk of strengthening the Coalition’s political case for removing him against the desire to widen the war by involving Israel or inflicting unacceptable casualties upon the coalition. We judge that, faced with the likelihood of military defeat and being removed from power, it is unlikely Saddam could be deterred from ordering the use of CBW.”

97. The JIC stated that Iraqi responses to a Coalition attack might include:

- “CBW terrorism: although Iraq probably lacks the capability to deploy a sophisticated device ...”
- “using non-lethal BW in a deniable manner to cause sickness amongst Coalition troops as they assembled;”
- “Iraq ... might also target the civilian Shia or Kurdish populations, possibly with CBW.”

Iraq’s declaration of 7 December and the UK response**98.** Operative paragraph 3 (OP3) of resolution 1441 required Iraq to provide:

“... not later than 30 days from the date of this resolution, a currently accurate, full and complete declaration of all aspects of its programmes to develop chemical, biological, and nuclear weapons, ballistic missiles and other delivery systems such as unmanned vehicles and dispersal systems designed for use on aircraft, including any holdings and the precise locations of such weapons, components, sub-components, stocks of agents, and related material and equipment, the locations and work of its research development and production facilities, as well as all other chemical, biological, and nuclear programmes, including for any which it claims are for purposes not related to weapons production or material.”³³

99. Iraq’s declaration was provided on 7 December 2002.³⁴ The declaration was detailed and technical, written in a combination of English, Russian and Arabic, with approximately 7,000 pages dealing with ballistic missile projects. A backlog of semi-annual declarations of activity, covering the period 1998-2002, which Iraq had already provided to UNMOVIC, was not at that time available to the UK.

100. Mr Blair was advised on 11 December that there was impatience in the US Administration and it was looking at military action as early as mid-February 2003.

101. Sir David Manning and Sir Richard Dearlove, Chief of the Secret Intelligence Service, had a joint meeting with Dr Condoleezza Rice, President Bush’s National

³³ UN Security Council resolution 1441 (2002).

³⁴ JIC Assessment, 18 December 2002, ‘An Initial Assessment of Iraq’s WMD Declaration’.

Security Advisor, and Mr George Tenet, Director of Central Intelligence, in Washington on 9 December.³⁵

102. Sir David reported to Mr Blair that there was impatience in the US Administration and pressure for early military action, probably in mid/late February. There were concerns about the risks if the inspections found nothing and the difficulties of persuading the international community to act if there were a series of “low level and less clear-cut acts of obstruction” rather than the discovery of chemical or biological agents or a nuclear programme, or the imprisonment or murder of UNMOVIC inspectors.

103. Sir David had said that Iraq’s declaration should be handled in a way “calculated to maintain coalition support and to try to secure a second resolution”. He thought that was possible. The UK needed “a convincing case based on evidence. Public defiance by Saddam was not the same as proving non-compliance. We should work hard over the next couple of months to build our case and secure a second resolution.”

104. During a meeting with Mr Geoff Hoon, the Defence Secretary, and Admiral Sir Michael Boyce, Chief of the Defence Staff (CDS), to discuss military planning on 11 December (see Section 6.1), Sir David Manning and Sir Richard Dearlove also briefed Mr Blair on their recent visits to Washington and “on UK attempts to secure credible evidence that the Iraqi WMD Declaration was false” (see Section 3.6).³⁶

105. Mr Matthew Rycroft, Mr Blair’s Private Secretary for Foreign Affairs, recorded that Mr Blair:

“... said that we needed to analyse the Iraqi declaration, ask pointed questions about issues which the declaration failed to deal with ... encourage Blix to ask these questions of the Iraqis too, and continue to work on securing credible evidence that Saddam was pursuing WMD programmes.”

106. Mr Blair would speak to President Bush and possibly Dr Blix in the next few days.

107. Mr Miller advised Sir David Manning on 13 December that the declaration was “largely based on material already presented to the UN”, and that:

“There appears to have been no attempt to answer any of the unresolved questions highlighted by UNSCOM or refute any of the points made in the UK or US dossiers.”³⁷

108. The absence of new material was described as “striking, particularly in relation to the biological weapons programme, where UNSCOM have described previous Iraqi FFCDs as deficient in all areas”. The Defence Intelligence Staff (DIS) had also clarified

³⁵ Minute Manning to Prime Minister, 11 December 2002, ‘Iraq’.

³⁶ Letter Rycroft to Watkins, 11 December 2002, ‘Iraq: Military Preparations’.

³⁷ Minute Miller to Manning, 13 December 2002, ‘Iraq: WMD Declaration’.

that Iraq had “only previously admitted to testing VX in aerial munitions, not to any other weaponisation”.

109. Mr Blair told President Bush on 16 December that the Iraqi declaration was “patently false”.

110. Mr Blair was “cautiously optimistic” that the inspectors would find proof. Sir Richard Dearlove was pursuing that.

111. Mr Blair suggested he and President Bush should take stock in January.

112. Mr Blair and President Bush spoke on 16 December.³⁸

113. Mr Blair commented that the Iraqi declaration “was patently false. We now needed proof that demonstrated it.” He and President Bush discussed the need to put the burden of truth on Saddam Hussein, how much time he should be allowed and the need to avoid a loss of momentum.

114. Mr Blair said that military preparations should continue. He did not think that Saddam Hussein would co-operate. He was “cautiously optimistic that the inspectors might find proof that the declaration was false. We needed something or someone who was in some way involved.” Sir Richard Dearlove was pursuing that with Mr Tenet.

115. Mr Blair was “hopeful that this strategy would work; we should take stock in January if it was”.

116. During his visit to Washington in mid-December, Sir Richard Dearlove emphasised the need for sufficient evidence to make a convincing case that Iraq had failed to abide by resolution 1441.

117. During a discussion on 15 December, Sir Richard Dearlove told his interlocutor that his impression from his meeting with Mr Blair on 11 December was that “HMG [Her Majesty’s Government] would need clear evidence beyond an audit of the Iraqi declaration, to commit to military action”.³⁹

118. The report sent to Sir David Manning recorded that Sir Richard had discussed the Iraq declaration and the need for a “road map” setting out the next steps with a number of US officials.⁴⁰

³⁸ Letter Rycroft to McDonald, 16 December 2002, ‘Prime Minister’s Telephone Call with President Bush, 16 December’.

³⁹ SIS record, 16 December 2002.

⁴⁰ Letter PS/C to Sir David Manning, 18 December 2002, ‘Iraq: C’s Discussions in Washington 16-17 December’ attaching Paper, ‘Iraq: C’s Discussion in Washington 16-17 December’.

119. Sir Richard told one US official that, in addition to setting out clearly and persuasively that Iraq had failed to abide by resolution 1441:

“... we needed to continue on parallel tracks designed to reinforce the case, and for HMG, to give the PM sufficient evidence of a breach which the declaration by itself did not. We needed:

- a detailed audit of the declaration
- to press the interview issue or force Saddam’s refusal to co-operate
- to prepare for the release of intelligence to prove deception
- to press on with a rigorous inspection regime absent a ‘silver-bullet’.”

120. Sir Richard said that “perhaps by the end of January all those elements would have produced sufficient evidence to make the convincing case we needed”. A “convincing defector or a revealing site inspection” would be preferable, “but we could not depend on this”. He added later that “success was far from guaranteed”.

121. In a separate conversation with another official, Sir Richard Dearlove had said that he “estimated the chance of a successful operation to produce a defector or a smoking gun at about 20 percent”.

122. In a manuscript comment to Mr Blair, Sir David wrote that “we should go flat out” to find a defector or evidence in a site inspection.⁴¹

123. Mr Blair replied: “absolutely”.⁴²

124. Against Sir Richard’s estimate of the chances of success, Mr Jonathan Powell, Mr Blair’s Chief of Staff, wrote: “Not good”.⁴³

125. On the description of a discussion about a possible presentation of intelligence “when conflict was inevitable”, including overhead photographs of material being moved and intercepts of conversations about deception operations, Mr Blair wrote “but can’t this be used to convince Blix?”⁴⁴

DOUBTS ABOUT THE SOURCING CHAIN FOR SIS REPORTS ISSUED ON 11 AND 23 SEPTEMBER 2002

126. By December 2002, doubts had emerged within SIS about the reliability of the source who had given SIS the reporting issued on 11 and 23 September.

⁴¹ Manuscript comment Manning, [undated], on Letter PS/C to Manning, 18 December 2002, ‘Iraq: C’s discussions in Washington 16-17 December’.

⁴² Manuscript comment Blair, [undated], on Letter PS/C to Manning, 18 December 2002, ‘Iraq: C’s discussions in Washington 16-17 December’.

⁴³ Manuscript comment Powell, [undated], on Letter PS/C to Manning, 18 December 2002, ‘Iraq: C’s discussions in Washington 16-17 December’.

⁴⁴ Manuscript comment Blair, [undated], on Letter PS/C to Manning, 18 December 2002, ‘Iraq: C’s discussions in Washington 16-17 December’.

127. Section 4.2 sets out the material from SIS reports described as from “A new source on trial with direct access” and issued to a small number of very senior readers on 11 and 23 September. These stated that Iraq had accelerated the production of chemical and biological agents and that Saddam Hussein was determined to maintain his CBW capability. Mr Blair and others were told that the SIS expected to receive substantial additional material on Iraq’s chemical and biological programmes through the same source.

128. Sir Richard Dearlove was reported to have briefed Mr Straw “in general terms only, on the hoped for dump of material from [codename] and the importance it would have” on 27 September.⁴⁵ Mr Straw had “asked several questions about [codename’s] motivation and whether he was genuine”. Sir Richard had told him that the answer to the first was “money and ideology”, and that the answer to the second was “yes”.

129. When he was asked by the Inquiry about the questions raised by Mr Straw about the sourcing for the report, SIS4 outlined the level of confidence that SIS had had in the source at this point and the reasons for those views and set out the steps which were open to SIS in these circumstances to validate the intelligence.⁴⁶ But he explained that he was unsighted on the exact steps taken in this case.

130. In early October, questions were raised with SIS about the mention of glass containers in the 23 September 2002 report.⁴⁷ It was pointed out that:

- Glass containers were not typically used in chemical munitions; and that a popular movie (*The Rock*) had inaccurately depicted nerve agents being carried in glass beads or spheres.
- Iraq had had difficulty in the 1980s obtaining a key precursor chemical for soman [a chemical agent].

131. The questions about the use of glass containers for chemical agent and the similarity of the description to those portrayed in *The Rock* had been recognised by SIS.⁴⁸ There were some precedents for the use of glass containers but the points would be pursued when further material became available.

132. A document written on 11 November described the issue of acquiring the promised further reporting as “reaching a crucial point” and that it was being afforded “our highest priority”.⁴⁹ It also said that Sir Richard Dearlove was “following progress of the case”.

133. On 13 November, Sir Richard Dearlove “updated” Mr Straw “on our hopes to get further [codename] reporting”.⁵⁰ Sir Richard described “in outline terms only” the delays in obtaining the expected intelligence and, given its importance, possible steps to retrieve it.

⁴⁵ Minute PS/C, 27 September 2002, ‘SOSFCA – WMD Discussions with C on 27 September’.

⁴⁶ Private hearing, Part 1, page 63.

⁴⁷ SIS record, 7 October 2002.

⁴⁸ SIS record, 8 October 2002.

⁴⁹ SIS record, 11 November 2002.

⁵⁰ Minute PS/C, 13 November 2002, ‘SOSFCA – WMD Discussions with C on 13 November 2002’.

134. By 6 December, questions were being asked within SIS about whether there was any further reporting.⁵¹ It was suggested that that meant “a health warning” on material from SIS’s source.

135. Following further contacts, doubts were expressed on 9 December within SIS about the reliability of the source and whether he had “made up all or part of the account of his dealings” with the sub-source.⁵²

136. Reporting on 16 December suggested that further material did exist.⁵³

137. Sir Richard Dearlove’s Private Secretary recorded that Mr Straw asked for an “update on the likelihood” of [codename] “producing silver bullet intelligence to guide the UNMOVIC inspection teams” in his meeting with Sir Richard Dearlove on 19 December.⁵⁴

138. Sir Richard was reported to have stated that “the outcome of [codename] was still in the balance”. SIS was talking to his contacts and he [the sub-source] “definitely existed”; but he “may not have written up the intelligence in the manner which was being claimed for him”.

139. Sir Richard also told Mr Straw that US policy and planning – the “generation of a road map” – were proceeding “on the assumption that a silver bullet would not be forthcoming”.

140. Mr Straw was reported to have been “concerned by the timetabling and what would happen without evidence of a clear material breach”; and that “in a recent meeting the Prime Minister had made the point that unless there was a clear material breach, he would face political difficulties in joining the US in military action”. Mr Straw had said it was “important that there was a sufficiently strong case against Saddam to move a resolution at the UNSC”. The “objective was to ‘scare the pants off the Iraqis”.

141. Following the meeting, a copy of the report of Sir Richard’s visit to Washington was sent to Mr Straw’s office on 19 December.⁵⁵

142. By 24 December there were still “unresolved questions” about the SIS case.⁵⁶

JIC ASSESSMENT, 18 DECEMBER 2002

143. The JIC’s initial Assessment on 18 December 2002 of Iraq’s declaration stated:

- **Intelligence from late November indicted that Iraq’s aim was to overload UNMOVIC with information.**

⁵¹ SIS record, 6 December 2002.

⁵² SIS record, 9 December 2002.

⁵³ SIS record, 16 December 2002.

⁵⁴ Minute PS/C, 19 December 2002, ‘SOFSCA – Iraq Discussion with C on 19 December’.

⁵⁵ Letter PS/C to McDonald, 19 December 2002, ‘Iraq: C’s Discussions in Washington 16-17 December’.

⁵⁶ SIS record, 24 December 2002.

- Iraq “continued to claim that it has not conducted any illicit WMD or ballistic missile programmes since 1991”.
- There had been “No serious attempt” to answer any of the unresolved questions highlighted by UNSCOM or to refute any of the points made in the UK dossier on Iraq’s WMD programme.

144. The JIC Assessment addressed the substance of the issues, but the judgement that Iraq had made no attempt to deal with the points in the dossier made the dossier a test for Iraq.

145. That was not its purpose. It was for the UN not the UK to define the bar for Iraq.

146. An initial DIS Assessment of Iraq’s declaration of 7 December, based on an analysis of the text provided in English and an attempt to translate the key sections written in Arabic, was produced on 16 December.⁵⁷

147. On 18 December, the JIC discussed a draft Assessment, supported by the DIS analysis of 16 December.⁵⁸

148. Comments recorded in the minutes of the discussion included:

- There had been “no significant disagreements of perception or judgement between the UK and the US”.
- The declaration was “surprisingly bad”; virtually none of the issues arising from the 1999 UNSCOM report had been answered.
- Further analysis of the annexes “would be an enormous job”, and the UK “would have to rely upon seeing the UN translation of much of the Arabic material”. That text was “unlikely to contain the missing information”.
- There would be “a fuller assessment in due course”.

149. The JIC Assessment, ‘An initial Assessment of Iraq’s WMD Declaration’, was issued on 18 December, with the DIS Assessment of 16 December as an Annex.⁵⁹

150. The Key Judgements were:

- The declaration failed “to address the issues outstanding from UNSCOM’s report to the UN Security Council in 1999”.
- Iraq maintained that it currently had “no proscribed WMD programmes”.
- “The majority of information in the declaration” had “already been passed to the UN in some form”.

⁵⁷ Paper [DIS], 16 December 2002, ‘Iraq: Initial DIS Assessment of the “Currently Accurate, Full and Complete Declaration”’.

⁵⁸ Minutes, 18 December 2002, JIC meeting.

⁵⁹ JIC Assessment, 18 December 2002, ‘An Initial Assessment of Iraq’s WMD Declaration’.

- “The new material so far found” did “not alter UK assessments of Iraq’s WMD programmes”.
- The declaration made “no attempt to deal with the points made in the UK dossier”.

151. The key elements of the Assessment are set out in the Box below.

JIC Assessment, 18 December 2002: ‘An Initial Assessment of Iraq’s WMD Declaration’

The Assessment rehearsed the UK’s knowledge of Iraq’s production of WMD before 1991 and the material which UNSCOM had been “unable to account for”, and the judgements in the September dossier.

Intelligence on the declaration

“Intelligence indicated in early November that Iraq was considering a number of options ... including a possible admission of a small proportion of its illegal activity. But by late November intelligence indicated that Iraq’s declaration would omit references to its banned weapons and that the aim was to overload UNMOVIC with information.” A senior Iraqi official was quoted as saying “the declaration would be general and lacking in detail and had been padded out with various scientific reports and studies”.

Overview

The declaration was “largely based on material already presented to the UN in previous FFCDs [Full, Final, and Complete Declarations] and other correspondence”. “No serious attempt” had “apparently been made to answer any of the unresolved questions highlighted by UNSCOM or to refute any of the points made in the UK dossier”. Iraq continued to “claim that it has not conducted any illicit WMD or ballistic missile programmes since 1991”. “Little new material ... on the nuclear, chemical or biological weapons” had been found; there was “some new material” on missiles.

Chemical weapons

The declaration was based on a June 1996 FFCD and additional information provided to the UN before 1998. Some of that information had not been seen previously by the UK. As well as the “unaccounted for” quantities of agent, precursors and munitions which UNSCOM had identified, the declaration did not:

- “provide a key document detailing the consumption of special munitions in the 1980s” which had been “removed from UNSCOM by the Iraqis”;⁶⁰
- “substantiate Iraq’s denials ... that attempts were made to manufacture and weaponise VX”.

The list of “over 30 sites in which chemical activity” took place was “incomplete”.

⁶⁰ A document found by an UNSCOM inspector in a safe in Iraqi Air Force headquarters in 1998. It gave an account of the expenditure of bombs, including chemical bombs, by Iraq in the Iraq/Iran war. It indicated that 13,000 chemical bombs were dropped by the Iraqi Air Force between 1983 and 1988. Iraq had claimed that 19,500 bombs were consumed during that period. Iraq had taken the document from the inspector.

Biological weapons

The declaration reiterated information already provided to the UN, which had already been reviewed. It failed to “provide a technically coherent account of Iraq’s biological weapons programme”. The declaration provided new material relating to 40 sites which Iraq claimed had no connection with proscribed activity but which were judged capable of supporting a BW programme. It did not mention some dual-use sites previously monitored by UNSCOM. Names of individuals included in previous declarations on biological weapons had been “systematically removed”, although the declaration stated that they would be “provided to UNMOVIC on request”.

It did not:

- “address the issue of unaccounted for growth media”;
- “provide fully documented accounts” of the pre-1991 programmes or “recognition of the military application”;
- “acknowledge any proscribed biological weapons activity post-1991”; or
- “mention ... transportable production facilities”.

Nuclear weapons

The declaration was “largely the same as the FFCD” for activity pre-1991 which had been issued in 1998, “with a new extended summary”. It was “accurate” but “incomplete”. It maintained that no weapons-related work had been undertaken since 1998. It did not address whether Iraq had been seeking uranium in Africa.

Ballistic missiles

Most of the data provided related to pre-1991 programmes. The declaration acknowledged “some facilities established since 1998” and “known from intelligence”. It also provided “some limited new evidence of proscribed missile development post-1991”. Two designs were judged to have ranges greater than the limit of 150km.

The “major omissions” were:

- “no attempt to resolve outstanding issues” relating to SCUD missiles;
- “no mention of any post-1998 activity at many missile related facilities, including the al-Rafah engine test stand”, which was “capable of testing engines for missiles with ranges over 1000km”; and
- “no details of recent procurement activity associated with more advanced missile propellant”.

Unmanned Aerial Vehicles (UAVs):

- The declaration referred to “aborted attempts” to convert an anti-ship missile into a land attack weapon with a range of 95km. The JIC judged the “system would be suitable for chemical and biological delivery”.
- The declaration claimed that the L-29 aircraft was “a target-drone” and there “was no mention of a chemical or biological agent delivery capability”. The JIC judged that Iraq had “more aircraft” and had “conducted more flight tests than stated”; and that its range was “understated”.

- The declaration provided “limited, but new information on two UAV programmes”, which Iraq claimed had “started after 1998”, that had been included in reports recently passed to UNMOVIC. They would be “used as target drones”. The JIC judged that the UAVs “would have a significantly better performance” than claimed and could be “adapted to chemical and biological agent delivery”.

Conclusion

The JIC concluded that the declaration so far analysed failed to address the outstanding issues from UNSCOM’s report to the Security Council in 1999 and “made no attempt to answer any of the points outlined in the UK dossier”. Iraq might:

“... feel they dealt with these points in their previous rebuttal of the dossier. Some of the deficiencies may be addressed in the parts yet to be translated, but this does not look likely.”

152. On 20 December, Mr Miller sent Sir David Manning a further DIS overview of Iraq’s declaration.⁶¹

153. Mr Miller re-stated the key findings outlined in the 18 December JIC Assessment and identified the principal areas of apparent omission. The main new points identified were:

- “an admission by the Iraqis that they have delivered 50 Al Samoud missiles to their military. The UK dossier stated that at least 50 of these missiles had been produced and were being deployed to military units;
- details of missile related procurement activities post-1998, which Iraq claims were for permitted programmes. There are no details concerning the origin of the material and equipment procured, some of which we judge were obtained illicitly; and
- the document fails to cover refurbishment at potential BW sites.”

154. Mr Miller reported that the DIS would continue to analyse the declaration when a full English text was available from the UN. That was likely to be after Christmas.

SECURITY COUNCIL, 19 DECEMBER 2002

155. Dr Blix told the Security Council on 19 December that, while individual governments had stated they had evidence which contradicted Iraq’s denial that it had weapons of mass destruction, UNMOVIC was not yet in a position to give a definitive view.

156. Sir Jeremy Greenstock reported overnight on 17/18 December that Dr Blix would tell the Security Council on 19 December that it could not have confidence that the

⁶¹ Minute Miller to Manning, 20 December 2002, ‘Iraq: WMD Declaration’.

declaration “disposed of” the question of Iraq’s WMD holdings but that he could not say Iraq definitely had WMD; there was more work to do and the ball was in Iraq’s court.⁶²

157. Dr Blix and Dr ElBaradei briefed members of the Security Council on 19 December on inspections in Iraq and their preliminary assessment of the Iraqi declaration.⁶³

158. Dr Blix told the Security Council on 19 December that, while individual governments had stated they had evidence which contradicted Iraq’s denial that it had weapons of mass destruction, UNMOVIC was not yet in a position to give a definitive view.

159. In his “necessarily provisional” comments on the Iraqi declaration, Dr Blix stated that Iraq continued to state that there were no weapons of mass destruction in Iraq when inspectors left in December 1998 and that none had “been designed, procured, produced or stored in the period since then”. While individual governments had stated that they had “convincing evidence to the contrary”, UNMOVIC was, at that point, “neither in a position to confirm Iraq’s statements, nor in possession of evidence to disprove it”.

160. Dr Blix added that, during the period between 1991 and 1998, Iraq had submitted many declarations which had “proved inaccurate or incomplete or was unsupported or contradicted by evidence”. Dr Blix stated:

“A declaration cannot, if it stands alone, create confidence. The listing of sites or of persons, the reporting of production, importation, destruction and consumption figures ... is not enough to create confidence that no weapons programmes and proscribed items remain. The statements need to be supported by documentation or other evidence. Only so do they become verifiable.”

161. The overall impression was that “not much new significant information” had been provided which related to proscribed programmes; nor had “much new supporting documentation or other evidence been submitted”. Iraq had provided new information on:

- missile activities, including a series of new projects at various stages of development, which Iraq claimed were permitted;
- a short-range rocket manufactured using 81mm aluminium tubes; and
- the ‘Air Force’ document relating to the consumption of chemical weapons in the Iraq/Iran war.

⁶² Telegram 2411 UKMIS New York to FCO London, 18 December 2002, ‘Iraq: Handling of WMD Declaration’.

⁶³ UN Press Release, 19 December 2002, *Statement to press on Iraq inspections by Security Council President* (SC/7614).

162. There were also inconsistencies and areas which needed clarification, including:

- the omission of information on imports of bacterial growth media;
- declaration of the development of a variant of the Al Samoud missile which had exceeded the permitted range in test flights; and
- a lack of supporting evidence to address unresolved issues identified in the 1999 UNSCOM and Amorim reports (see Section 1.1).

163. In conclusion, Dr Blix stated that, if Iraq failed to provide evidence supporting its statements, the inspectors could not guarantee that all possibly concealed items and activities would be found; but they would make attempts at concealment more difficult.

JIC priorities

Mr John Scarlett recorded that he had discussed the JIC's priorities for January 2003 with Sir David Manning on 3 January.⁶⁴ They had agreed that there would be:

“... a need to retest our standing judgements on:

- the continuing cohesion or otherwise of Saddam's regime
- the developing attitudes of neighbouring/regional states
- the attitudes of the Kurds and other internal opposition forces”.

Mr Scarlett and Sir David had also agreed the JIC should attempt in mid-January to answer the question “what will Saddam do now or next?” which “might allow us to retest the standing judgements”.

Mr Scarlett wrote that he and Mr Julian Miller had agreed there would be a wider audience “outside the MOD” for an “assessment of the significance of Iraqi military dispositions” and its future options and strategy.

The absence of a “smoking gun”

164. With indications of concerns in Washington about becoming trapped in the UN, and tensions between the UN timetable and the military build-up, the UK focus on the need to find convincing evidence that Saddam Hussein was not complying with the obligations set out in resolution 1441 and preceding resolutions intensified.

165. Mr William Ehrman, FCO Director General, Defence and Intelligence, advised Mr Straw's Private Secretary on 19 December that the UK was passing intelligence to UNMOVIC but “We had not found a silver bullet yet.”⁶⁵

⁶⁴ Minute Scarlett to Miller, 3 January 2003, ‘Iraq: Questions for the JIC’.

⁶⁵ Minute Ehrman to PS/[FCO], 19 December 2002, ‘Iraq: Passing Intelligence to UNMOVIC’.

166. In his memoir, Mr Blair wrote that, at Chequers over Christmas 2002, he had asked himself:

“What did I truly believe? That Saddam was about to attack Britain or the US? No. That he was a bigger WMD threat than Iran or North Korea or Libya? Not really, though he was the only leader to have used them. That left alone now, with these inspections ending the same way as the last, he would threaten the stability of the region? Very possibly. That he would leach WMD material or provide help to terrorists? Yes ...”⁶⁶

167. In a meeting overseas in early January, SIS1 told Mr Blair that the body of available evidence was “highly damning” but “none of the reports could yet be termed a silver bullet”.⁶⁷ SIS1 told the Inquiry that Mr Blair had been “surprised and pleased” that so much had been accumulated, but he needed some more evidence that Saddam Hussein was in breach (of resolution 1441), which he (Mr Blair) could use as the basis for personal assurances to Cabinet, the Parliamentary Labour Party (PLP), and to key allies such as Mr Jacques Chirac, the French President, and President Bush and regional leaders. SIS1 recorded that, as a result, Mr Blair had asked for a “stocktake”, including an assessment of the likelihood that the UNMOVIC process would produce that kind of evidence.

168. Asked whether that illustrated the pressure on SIS to produce something that Mr Blair could use to justify supporting President Bush without necessarily having a second Security Council resolution, SIS1 told the Inquiry that SIS was not under “unusual pressure”.⁶⁸ The meeting had taken place before the real diplomatic push to secure a second resolution and the “evidence that would win that second resolution, even over French scepticism and Russian obduracy ... was in the balance”.

169. Asked whether SIS was being asked to find facts that would fit a policy that had already been determined, SIS1 replied: “No”. In early 2003, he was “in no doubt ... at all” that the Americans were going to go in. The “dilemma for [the] British Government” was whether to stand with the US and “intelligence could play a very significant part in arriving at those decisions”.⁶⁹

170. Asked if Mr Blair would have got something significantly different from the stocktake to what he was getting from the JIC, SIS1 replied: “No.”

171. In his minute to Mr Blair on 3 January 2003 about the way ahead (see Section 3.6), Mr Straw wrote:

“... a lot of effort is being made by the ... agencies to provide Blix and ElBaradei [with leads drawing on intelligence reports] ... to enable them to upgrade their

⁶⁶ Blair T. *A Journey*. Hutchinson, 2010.

⁶⁷ Private hearing, SIS1, pages 60-61.

⁶⁸ Private hearing, SIS1, pages 61-62.

⁶⁹ Private hearing, SIS1, page 62.

inspections over the next three weeks. It is possible that this will produce a big smoking gun ... But, in my view (shared by [Secretary] Powell) it would be rash to bank on this. So far, reality has not matched the expectation generated by the intelligence ...”⁷⁰

172. On 4 January, Mr Blair sent a long note to officials in No.10 (see Section 3.6).⁷¹

173. On Iraq, Mr Blair stated:

“We start from behind. People suspect US motives; don’t accept Saddam is a threat; worry it will make us a target. Yet the truth is removing Saddam is right; he is a threat; and WMD has to be countered. So there is a big job of persuasion.”

174. The actions proposed by Mr Blair included:

- “most obviously, the evidence of breach of the UN resolution leading hopefully to a new resolution. Time is short. We need either evidence of actual WMD; or documentation concealed; or an eye witness account of the programme. We are making efforts on all three. But one or more needs to be in place. [...] our biggest hindrance, is the intimidation Saddam is exercising. Those who might co-operate are being told very clearly their families will die. So even though we all know the declaration ... is a lie, proving the lie will be hard. I need an early meeting on this with C [Sir Richard Dearlove].”
- “We need to set out the WMD case generally; publish evidence of it; and have some high profile interdiction of WMD material. People just totally underestimate the WMD threat.”

175. Mr Blair had a meeting with Sir Richard Dearlove on the afternoon of 9 January.⁷² There is no No.10 record of the meeting.

176. Sir Richard Dearlove’s Private Secretary recorded Sir Richard’s view that it had been a good meeting at which Mr Blair had emphasised the importance of being able to demonstrate that the Iraqis were in material breach of resolution 1441.

177. In response to a question from Mr Blair about the likelihood of being able to find a “silver bullet” that would demonstrate a material breach, Sir Richard was reported to have said that “he felt the odds were 50/50”. That was “higher than the US estimates but he simply could not guarantee a successful outcome”.

178. Sir Richard had also reported that Mr Blair’s parting words were: “Richard, my fate is in your hands.”

⁷⁰ Minute Straw to Prime Minister, 3 January 2003, ‘Iraq – Plan B’.

⁷¹ Note Blair [to No.10 officials], 4 January 2003, [extract ‘Iraq’].

⁷² SIS record, 9 January 2003, ‘PM Meeting on Iraq’.

179. Mr Campbell wrote in his diaries that:

- Sir Richard told Mr Blair that Dr Blix “knew he was being ‘cat and moused’ but he was not on a mission. He was sure that Saddam was lying but he had to establish that for himself. C felt that we had a better chance of finding the breaches than the US.”
- Mr Blair had said, “half in jest”, “My future is in your hands.”
- “The nightmare scenario, or one of them, was a discovery that was sufficient for the US but not for us.”
- “C said the other risk was that we found the evidence of the breach before the US was ready to go to war ... if the inspectors had another month with genuine access, the picture would be pretty clear. We were now pushing the line that they needed time and space to do the job.”⁷³

180. Asked about Mr Blair’s comment that his fate was in Sir Richard Dearlove’s hands, Sir Richard told the Inquiry that he thought Mr Blair “was beginning to understand that he was in a tough position vis-a-vis the inspection issue”.⁷⁴

The UK’s objectives

The UK’s objectives were published in a Written Ministerial Statement by Mr Straw on 7 January.⁷⁵

Mr Straw stated that the “prime objective” was:

“... to rid Iraq of its weapons of mass destruction (WMD) and their associated programmes and means of delivery, including prohibited ballistic missiles ... as set out in UNSCRs. This would reduce Iraq’s ability to threaten its neighbours and the region, and prevent Iraq using WMD against its own people. UNSCRs also require Iraq to renounce terrorism, and return captured Kuwaitis and property taken from Kuwait.”

Mr Straw also stated:

“Success in achieving our prime objective should help deter the proliferation of WMD and BM more generally.”

UNMOVIC’s activities

181. In his informal briefing for the Security Council on 9 January, Dr Blix made clear that he needed more information from Iraq.

⁷³ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

⁷⁴ Private hearing, 16 June 2010, pages 76-77.

⁷⁵ House of Commons, *Official Report*, 7 January 2003, columns 4-6WS.

182. As agreed on 19 December, Dr Blix and Dr ElBaradei gave an informal update of their assessment of the Iraqi declaration and the progress of inspection activities to the members of the Security Council on 9 January (see Section 3.6).⁷⁶ The points made by Dr Blix included:

- His “overall impression” remained that Iraq’s declaration was “rich in volume but poor in new information” and “practically devoid of new evidence on such issues”.
- “... [T]o create confidence that it has no more weapons of mass destruction or proscribed activities relating to such weapons, Iraq must present credible evidence”.
- He had “not asserted ... that proscribed items or activities” existed; but if they did “Iraq should present them in our presence”. There was “still time” for that. There was “no way the inspectors” could “close a file by simply invoking the precept that Iraq cannot prove the negative”.
- There was a series of inconsistencies between the declaration and earlier Iraqi declarations which had been described as full, final and complete, in addition to the issues he had highlighted on 19 December, including in relation to special munitions, imports of missile engines and solid missile fuel and VX.

UNMOVIC finds

- On 30 December, UNMOVIC inspectors found some Volga missile engines.⁷⁷
- On 16 January, UNMOVIC discovered rocket warheads at an ammunition store.⁷⁸
- On the same day UNMOVIC also discovered nuclear-related documents hidden at the home of an Iraqi scientist.

Mr Blair’s interview on *BBC’s Breakfast with Frost*, 26 January 2003

183. Mr Blair decided to use an interview on *Breakfast with Frost* on 26 January to set out the position that the inspections should be given sufficient time to determine whether or not Saddam Hussein was co-operating fully. If he was not, that would be a sufficient reason for military action. A find of WMD was not required.

184. In a meeting with Sir Jeremy Greenstock and No.10 officials to discuss the handling of Iraq in the UN Security Council in the coming weeks on 23 January, Mr Blair set out an approach which included the need, “if we could possibly get it”, for “hard

⁷⁶ UNMOVIC, *Briefing the Security Council, 9 January 2003: Inspections in Iraq and a further assessment of Iraq’s weapons declaration*.

⁷⁷ UN Security Council, ‘4707th Meeting Friday 14 February 2003’ (S/PV.4707).

⁷⁸ Note DIS Counter Proliferation Support Group, 12 February 2003, ‘The Effectiveness of UN Weapons Inspections in Iraq’.

proof” that Saddam Hussein was “lying over his WMD, to bring public opinion to accept the need for military action”.⁷⁹

185. On 24 January, Mr Scarlett provided a note with a list of points summarising the assessment of Iraqi WMD holdings and concealment policy which could be “deployed publicly” by Mr Blair.⁸⁰

186. Mr Scarlett wrote:

“For the most part the note repackages the contents of the September dossier bringing out the key points, including quantities of WMD more clearly. There is some limited updating to cover the work of UNMOVIC and concealment activities.”

187. The key points in the note included:

Judgements in the dossier:

- “Iraq has a useable [sic] chemical and biological weapons capability, which includes recent production of chemical and biological agents, and military plans to use them;
- Iraq continues to work on developing nuclear weapons;
- Iraq possesses up to twenty 650km Al Hussein missiles, is developing longer-range ballistic missiles, and is extending its shorter range systems beyond the UN permitted range of 150km.”

Iraq’s declaration of 7 December 2002:

- Iraq had “not taken the opportunity ... to explain the issues outstanding from UNSCOM’s report to the UN Security Council in 1999”.
- Iraq maintained that it currently had “no proscribed WMD programmes”.
- The UN already had the “majority of information” in the declaration.
- The declaration did “not alter UK assessments of Iraq’s WMD programmes”.

Chemical weapons:

- Iraq could produce mustard gas, tabun, sarin and VX nerve agents.
- Iraq had had “chemical weapons available from both pre-Gulf War stocks and more recent production”.
- The UK did “not know exactly how much CW agent” was available. While it believed current holdings were “less than” the 360 tonnes for which UNSCOM had been unable to account, it was “still enough to fill many artillery shells or other weapons”.

⁷⁹ Minute Rycroft to Manning, 23 January 2003, ‘Iraq: Prime Minister’s Meeting with Jeremy Greenstock’.

⁸⁰ Minute Scarlett to Rycroft, 24 January 2003, ‘Iraq WMD: Intelligence Points for the Prime Minister’ attaching Note, ‘Iraq:WMD’.

- Iraq's military had "planned for the use of CW, and ... issued atropine injectors ... to its troops".

Biological weapons:

- "Iraq has biological weapons available, both from pre-Gulf War stocks and more recent production".
- Iraq could "produce at least" anthrax, botulinum toxin, aflatoxin and ricin.
- the UK did "not know how much agent" Iraq had, but it had "admitted to producing 19,000 litres of botulinum toxin, 8,500 litres of anthrax and 2,200 litres of aflatoxin" before the 1990-1991 Gulf War.
- UNSCOM had been unable to account for the growth media Iraq had procured which was "enough for 25,000 litres of anthrax".
- Iraq had "developed mobile agent production facilities, which makes it extremely difficult for inspectors to find them".

Without distinguishing between chemical and biological capabilities, the minute stated:

- "UNSCOM could not account for over 30,000 CBW munitions, including 550 mustard filled artillery shells."
- Iraq had "admitted to producing CBW warheads for its Al Hussein ballistic missiles".

Ballistic missiles:

- Iraq had "manufactured up to 100 short range ballistic missiles" and was "aiming to build more using illegally purchased engines".
- Iraq had "admitted ... repeatedly testing a version of one of those missiles" beyond the permitted range of 150km.
- Intelligence indicated Iraq's aim was "to develop other missiles with ranges over 1000km".
- "Some of the infrastructure built in Iraq since 1998, such as the engine test stand at al-Rafah" was "far in excess" of what was "required for existing permitted programmes".
- Iraq had "procured material suitable only for longer range missiles".

Iraq's "co-ordinated policy of concealment":

"Intelligence continues to show that such measures are being used.

- Large numbers of documents relating to Iraq's nuclear programme of some years ago were discovered at the home of a nuclear scientist ... clearly demonstrating an Iraqi policy of hiding documents and materials, just as we predicted.

- Other key equipment is being buried or kept constantly on the move using trucks.
- Whatever the Iraqi regime says, there is no doubt that scientists and their families are being intimidated from having private interviews even inside Iraq, let alone outside.”

188. The note also set out the effects of chemical and biological weapons along the lines of the information provided in the September dossier.

189. Mr Scarlett subsequently sent the note to SIS1 with copies to the MOD Deputy Chief of Defence Intelligence and the Press Offices of the MOD and the FCO.⁸¹

190. In response to a request for themes which Mr Blair could use with the press, and in particular on *Breakfast with Frost* on 26 January, SIS1 submitted advice to Sir David Manning on 25 January.⁸²

191. That set out four “Themes from CX”, “for use with the press”. The points to make included:

- **Giving the UN the run around:** Saddam Hussein was “determined to keep his weapons” and believed he could “successfully hide them from the UN”. There was “reliable intelligence, which we have been sharing with the UN inspectors, that for the last few months the Iraqis have been dispersing and concealing the evidence: hiding munitions for chemical warfare, engines for long-range missiles, top secret documents”.
- **Spying on the inspectors:** intelligence had “confirmed” that there was “a huge, well co-ordinated Iraqi operation to spy on the inspectors ... there are well rehearsed plans to prevent them from having access to sites where the weapons are concealed. Iraq’s security agents have orders even to stage car accidents, if necessary, to prevent at all costs the inspectors from finding anything significant. These agents dare not fail: they know only too well what the consequences for them personally would be.”
- **Saddam Hussein rules by fear and repression:** “we have intelligence Saddam has ordered that any scientists who dare to co-operate will be severely punished, even killed, along with their families. They have been forced to hide secret documents at home. Iraq’s ruthless security apparatus has placed minders alongside everyone who could give the game away to inspectors to ensure that they don’t step out of line and to remind them what will happen to them if they do.”
- **But cracks are beginning to show:** “intelligence reveals that ... some senior officials – even members of Saddam’s family are beginning to realise the game is up ...”

⁸¹ Minute Scarlett to SIS1, 24 January 2003, [untitled].

⁸² Minute [SIS1 to Manning], 25 January 2003, attaching Paper, ‘Iraq: Themes from CX’.

192. In his extended interview on the *BBC's Breakfast with Frost* programme on 26 January (see Section 3.6), Mr Blair set out in detail his position on Iraq.⁸³

193. Asked whether Dr Blix should be given more time, Mr Blair stated that the inspectors had “to be given the time to do the job”, but there was “confusion” about what that job was. The time they needed was to certify whether Saddam Hussein was “fully co-operating or not”. Saddam Hussein had to provide information on “exactly what weapons material” he had, “allowing the inspectors to inspect it, monitor it and shut it down”. If they were not able to do that job, Saddam Hussein would have to be disarmed by force. That should not take months, but Saddam Hussein was not co-operating.

194. Pressed as to whether non-compliance rather than evidence of weapons of mass destruction justified “a war”, Mr Blair replied that he “profoundly” disagreed with the idea that a refusal to co-operate was of a “lesser order”. He added:

“... what we know is that he has this material ... we know there is something like 350 tonnes of chemical warfare agent. We know there is something like 30,000 special munitions for the delivery of chemical and biological weapons.

“He hasn’t even told us where those old leftovers from 1998 are ... we know ... that there is an elaborate process ... of concealment ...

“... [T]he people that the inspectors want to interview ... are being told, by the Iraqi authorities, they can only come for interviews with an Iraqi ... minder, and only be interviewed in certain places.

“And we know also from intelligence that these people’s families are being told that if they co-operate and give any information at all they will be executed.

“... [I]f he fails to co-operate in being honest and he is pursuing a programme of concealment, that is every bit as much a breach as finding, for example, a missile or chemical agent.”

195. Asked whether there would be “another dossier” setting out what UK intelligence had discovered, Mr Blair stated:

“... we have the intelligence that says that Saddam has continued to develop these weapons of mass destruction; that what he’s doing is using a whole lot of dual-use facilities in order to manufacture chemical and biological weapons; and ... that there is an elaborate programme of concealment ... forcing the inspectors to play a game of hide and seek.”

196. Asked if he had sufficient evidence to back action, Mr Blair replied:

“... I’ve got no doubt at all that he’s developing these weapons and that he poses a threat but we made a choice to go down the UN route ...

⁸³ *BBC News*, 26 January 2003, *Breakfast with Frost*.

“... our judgement, the American judgement ... is that Saddam has these weapons, but the purpose of the inspectors ... is ... to report back to the UN and say whether he is fully co-operating or he’s not.”

Security Council, 27 January 2003

197. Dr Blix reported to the Security Council on 27 January that Iraq’s declaration of 7 December did not provide new evidence which would eliminate or reduce the unresolved issues identified in 1999.

198. As required in resolution 1441, Dr Blix and Dr ElBaradei made their first reports to the Security Council on 27 January (see Section 3.6).⁸⁴

199. Dr Blix stated:

“One might have expected ... that Iraq might have tried to respond to, clarify and submit supporting evidence regarding the many open disarmament issues, which the Iraqi side should be familiar with from the UNSCOM document S/1999/94 of January 1999 and the so-called Amorim Report of March 1999 ... These are the questions which UNMOVIC, governments and independent commentators have often cited.”

200. UNMOVIC had found “the issues listed in those two documents as unresolved, professionally justified”. The reports pointed to:

“... lack of evidence and inconsistencies ... which must be straightened out, if weapons dossiers are to be closed ... They deserve to be taken seriously by Iraq rather than being brushed aside as evil machinations of UNSCOM. Regrettably, the ... declaration, most of which is a reprint of earlier documents, does not seem to contain any new evidence that would eliminate the questions or reduce their number.”

201. Dr Blix set out examples of questions and issues that needed to be addressed in some detail, including:

- UNMOVIC had information indicating that Iraq had worked on purifying and stabilising the nerve agent VX, and had achieved more than it had declared. This conflicted with the Iraqi account that the agent had only been produced on a pilot scale, which had been destroyed in 1991, and was never weaponised. There were also questions to be answered about the fate of VX precursor chemicals.
- Iraq had provided a copy of the “Air Force” document it had withheld in 1998. It indicated that 13,000 chemical bombs were dropped by the Iraqi Air Force between 1983 and 1988. Iraq had claimed that 19,500 bombs were consumed

⁸⁴ UN Press Release, 27 January 2003, *Security Council briefed by Chief UN Weapons Experts on First 60 days of Inspections in Iraq* (SC/7644).

during that period. In the absence of evidence to the contrary, UNMOVIC “must assume these quantities are now unaccounted for”.

- The discovery of “a number of 122mm chemical rocket warheads in a bunker at a storage depot southwest of Baghdad”. The bunker was relatively new, which meant “the rockets must have been moved there in the past few years, at a time when Iraq should not have had such munitions”. Iraq had stated that they were “overlooked from 1991 from a batch of 2,000 that were stored there during the Gulf War. That could be the case. They could also be the tip of a submerged iceberg. The discovery of a few rockets does not resolve, but rather points to, the issue of several thousands of chemical rockets that are unaccounted for.” Iraq had subsequently found four more chemical rockets at a storage depot in al-Taji. The warheads were “empty”.
- Inspectors had found “a laboratory quantity of thiodiglycol, a mustard gas precursor”.
- There were “strong indications that Iraq produced more anthrax than it declared, and that at least some of this was retained after the declared destruction date. It might still exist.”
- Iraq had not declared “a significant quantity of bacterial growth media” which had been included in Iraq’s submission to the Amorim panel. This omission appeared “to be deliberate as the pages of the resubmitted document were renumbered”. The quantity of growth media involved would “suffice to produce ... about 5,000 litres of concentrated anthrax”.
- The Al Samoud 2 and Al Fatah missiles “might well represent *prima facie* cases of proscribed systems” but further technical consideration would be necessary before reaching a conclusion on the issue.
- Iraq had refurbished its missile production infrastructure, including a number of casting chambers which were capable of producing motors for missiles with ranges greater than the 150km limit.
- Iraq had illegally imported 300 rocket engines which might be for the Al Samoud 2, chemicals used in propellents and other potentially proscribed items.

202. Dr Blix questioned Iraq’s claims that there were no more documents about its activities. After the discovery of documents in the home of a scientist “relating to the laser enrichment of uranium”, UNMOVIC could not “help but think that the case might not be isolated and that such placements of documents is deliberate to make discovery difficult”. He warned that: “Any further sign of the concealment of documents would be serious.”

203. Dr Blix also questioned whether Iraq had provided a complete list of the names of personnel who had worked on proscribed programmes, and pointed out the difficulties of interviewing individuals “in private”. He reported that UNMOVIC had asked 11 individuals for interview in Baghdad and that none of them would speak without the presence of an Iraqi official.

204. Commenting on Iraqi demonstrations against the inspectors at a number of sites, Dr Blix told the Security Council:

“Demonstrations and outbursts of this kind are unlikely to occur in Iraq without initiative or encouragement from the authorities ... They do not facilitate an already difficult job ... Where our Iraqi counterparts have some complaint they can take it up in a calmer and less unpleasant manner.”

205. In his memoir, Dr Blix wrote:

“There were some cases of demonstrations against the inspectors, though hardly threatening ones. They occurred at our Baghdad office, at a hospital site and during the inspection of the private home that yielded nuclear documents.”⁸⁵

206. Dr ElBaradei reported that the IAEA had found no evidence that Iraq had revived its nuclear weapons programme but it was still investigating a number of issues.

207. Dr ElBaradei reported that the IAEA had conducted 139 inspections at some 106 locations, with a “focus on areas of concern identified by other States, facilities identified through satellite imagery as having been modified or constructed since 1998, and other inspection leads identified independently”. They had been able to “gain ready access and to clarify the nature of the activities” at those facilities. “No prohibited nuclear activities” had been identified.⁸⁶

208. Iraq’s unsuccessful attempts to procure high-strength aluminium tubes which Iraq had indicated were related to a programme to reverse-engineer conventional rockets, had been a particular focus. The IAEA had concluded that the tubes “would be consistent with” use in a conventional rocket programme. They “would not be suitable for manufacturing centrifuges” without modification. The IAEA was “still investigating” the issue, but the attempt to acquire such tubes was “prohibited” by resolution 687 (1991).

209. The IAEA was investigating how “dual-use” material had been relocated or used, including the “HMX”⁸⁷ explosive which had been removed from IAEA seals at the end of 1998. Dr ElBaradei stated that it would be difficult to verify how that had been used.

210. The IAEA was investigating reports of Iraqi efforts to import uranium but it did “not have enough information, and ... would appreciate more”.

211. Iraq had not provided “any new information relevant to ... questions which had been outstanding since 1998”; but those questions did “not constitute unresolved disarmament issues”.

⁸⁵ Blix H. *The Search for Weapons of Mass Destruction: Disarming Iraq*. Bloomsbury Publishing Plc, 2005.

⁸⁶ UN Press Release, 27 January 2003, *Security Council briefed by Chief UN Weapons Experts on First 60 days of Inspections in Iraq* (SC/7644).

⁸⁷ A high explosive used to help trigger nuclear fission.

212. Dr ElBaradei concluded:

“... we have to date found no evidence that Iraq has revived its nuclear weapons programme since the elimination of the programme in the 1990s ... [O]ur work is steadily progressing and should be allowed to run its natural course ... [W]e should be able within the next few months to provide credible assurance that Iraq has no nuclear weapons programme. These few months ... would be a valuable investment in peace because they could help us avoid a war. We trust that we will continue to have the support of the Council ... to verify Iraq’s nuclear disarmament through peaceful means and to demonstrate that the inspection process can and does work as a central feature of the international nuclear arms control regime.”

**Extracts from President Bush’s State of the Union address,
28 January 2003**

In his State of the Union address on 28 January, President Bush emphasised the threat of terrorism to the US and others, the potential threat from Iraq in that context and the need to disarm Iraq.⁸⁸

President Bush’s detailed statements about the threat posed by Iraq included:

“The United Nations concluded in 1999 that Saddam Hussein had biological weapons sufficient to produce over 25,000 liters of anthrax – enough doses to kill several million people. He hasn’t accounted for that material. He has given no evidence that he has destroyed it.

“The United Nations concluded that Saddam Hussein had material sufficient to produce more than 38,000 liters of botulinum toxin ...

“Our intelligence officials estimate that Saddam Hussein had the materials to produce as much as 500 tonnes of sarin, mustard and VX nerve agent ...

“US intelligence indicates that Saddam Hussein had upwards of 30,000 munitions capable of delivering chemical agents. Inspectors recently turned up 16 of them – despite Iraq’s recent declaration denying their existence ...

“From three Iraqi defectors we know that Iraq, in the late 1990s, had several mobile biological weapons labs ...

“The International Atomic Energy Agency confirmed in the 1990s that Saddam Hussein had an advanced nuclear weapons development program ... The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa. Our intelligence sources tell us that he has attempted to purchase high-strength aluminium tubes suitable for nuclear weapons production. Saddam Hussein has not credibly explained these activities. He clearly has much to hide.”

⁸⁸ The White House Press Release, 28 January 2003, *President Delivers “State of the Union”*.

JIC Assessment, 29 January 2003

213. The JIC assessed on 29 January that retaining WMD was a vital Iraqi interest and that Saddam Hussein was unlikely to agree to relinquish power or go into exile.

214. The JIC sustained its earlier judgements on Iraq's ability and intent to conduct terrorist operations.

215. At the request of the FCO, the JIC reviewed current developments in Iraq from Saddam Hussein's perspective and possible Iraqi moves in the coming weeks.⁸⁹

216. The minutes of the JIC discussion on 29 January record that the draft Assessment had been difficult to write given the fast-moving developments, and it was important to ensure it reflected the latest information, especially the UNMOVIC perspective.⁹⁰ The minutes also recorded that:

“... it was difficult to predict if and when Saddam might launch pre-emptive strikes, but the paper should try and make a judgement on possible timescales. The trigger would probably be set when Saddam concluded that his fate was sealed, rather than any movements by Coalition Forces. Most of the Iraqi military would probably crumble quickly under attack. Saddam would maintain his hold on power until then, and there were no indications of possible coups beforehand. Whilst the Iraqi public might welcome the end of Saddam's regime, they were also concerned about the human costs of fighting.”

217. The JIC's Key Judgements about weapons of mass destruction were:

- “Retaining WMD remains a vital Iraqi interest. Saddam might nevertheless consider a last minute tactical declaration of some of his WMD to avert a war, believing that he can rebuild his WMD capability later.”
- “Saddam probably believes he has some strong political and military cards to play, even in the face of an inevitable attack. ... He may ... fire CBW against Coalition Forces ...”

218. Other key elements of the Assessment in relation to Iraq's WMD capability and its use are set out in the Box below.

⁸⁹ JIC Assessment, 29 January 2003, 'Iraq: The Emerging View from Baghdad'.

⁹⁰ Minutes, 29 January 2003, JIC meeting.

JIC Assessment, 29 January 2003: 'Iraq: The Emerging View from Baghdad'

Inspections

The JIC had "judged in October" that:

"Saddam was confident he could prevent UNMOVIC from finding any evidence before military options started to close off ... and that concealment and dispersal of sensitive items were the basis of Iraq's strategy. [...] But by mid-January there were signs that Iraq was coming under pressure from UNMOVIC finds that were inconsistent with its December 2002 declaration. [...]"

"[...] Intelligence is unclear, but it is possible the UNMOVIC discoveries have increased Iraqi uncertainty. Blix's tough statement to the Security Council on 27 January surprised Baghdad and may have increased the regime's concerns about UNMOVIC. Saddam Hussein continues to believe that the possession of WMD is a vital Iraqi interest. [...] Any WMD admission would therefore be tactical rather than indicative of a genuine change of policy."

Iraqi military preparations

- Saddam Hussein would have "little incentive to launch such a strike while the Iraqi strategy focuses on convincing UNMOVIC that Iraq does not have WMD holdings", but it might "become an attractive option in the face of imminent Coalition military action".
- A "pre-emptive limited artillery strike on Kuwait using CBW could be launched in as little as two hours".

Saddam's mindset

- Saddam Hussein was "under increasing pressure" as the inspections regime intensified, UNMOVIC had made "significant discoveries" and the Coalition military build-up continued.
- The JIC judged that Saddam Hussein had "underestimated UNMOVIC's capability to expose his deception". He had "failed to realise that he was facing a situation different from the days of UNSCOM". UNMOVIC's "limited success" highlighted the "risks Saddam took in providing a weak declaration of Iraq's WMD-holdings".
- "In the face of an attack, or even before hostilities if he judged that an attack was imminent," Saddam Hussein might take a number of actions, including:
 - making a last minute declaration of his WMD;
 - ...
 - inflicting "high enough casualties on any Coalition ground forces, perhaps in Kuwait, including through use of CBW, to halt a Coalition attack and to swing public opinion in the West against hostilities".
- "Once hostilities were underway", Saddam Hussein might also:
 - "... seek to cause an international outcry over the level of Iraqi or Coalition casualties"; and
 - "pursue a scorched earth policy, including the destruction of oil wells and poisoning the water supply".

219. Sir David Manning visited Washington on 29 January for talks with Dr Rice (see Section 3.6).⁹¹ He was accompanied by Sir Richard Dearlove. Sir David reported that Sir Richard Dearlove had “briefed in detail on our intelligence” which the US Administration “clearly find very impressive”.

220. Mr Scarlett assured Sir David Manning on 30 January that the intelligence reporting was “consistent and convincing”, and there was no evidence that Saddam Hussein was considering the renunciation of WMD.

221. Mr Scarlett also highlighted the need for the Government to take seriously Iraq’s options for using chemical and biological weapons and missiles.

222. In addition to the JIC Assessment of 29 January, Mr Scarlett sent Sir David Manning his “personal observations on the overall intelligence picture”, which addressed Saddam Hussein’s mindset and likely actions.⁹²

223. Mr Scarlett wrote:

“Our intelligence reporting has been consistent and convincing. I have not seen a single reference to Saddam even considering the renunciation of WMD to save his regime (and probably his own life).”

224. Addressing WMD and inspections, Mr Scarlett wrote that Saddam Hussein had “followed essentially the same strategy and tactics as during the 1990s”. He had “probably ... considered making a ‘partial’ declaration of WMD holdings”, but “even that has proved too difficult, at least so far”. Mr Scarlett suggested that would be “an obvious tactic to deploy at the very last minute” but, in his view, a “genuinely full and open renunciation” was:

“... simply too dangerous. It would remove the one weapon of last resort with which Saddam can threaten his population and neighbours and send a signal of weakness to both with possibly unmanageable consequences (for him). Given the decision not to come clean, a ‘partial’ admission (for example in the 7 December declaration) would have been a big risk. The chance of opening up lines of investigation to what was still being concealed would have been too great. Better to submit a flat denial leaving no loose ends. From Saddam’s point of view, that was probably the right decision.”

225. Mr Scarlett added that the Iraq position had:

“... certainly made it more difficult to find concrete proof of his WMD and leaves him the continuing options of concealment and delay.

⁹¹ Minute Manning to Prime Minister, 30 January 2003, ‘Talks with Condi Rice in Washington on 29 January’.

⁹² Minute Scarlett to Manning, 30 January 2003, ‘Iraq: JIC Assessment and Personal Observations’.

“Until now, Saddam and his closest advisers have seemed confident that concealment would work. Oddly, they have not appeared worried by the obvious risk of leaks from the thousands of people aware of this concealment activity. They have relied on the brutal discipline of the regime and so far it has worked. Even now we cannot be confident of finding really significant evidence of retained WMD.”

226. Mr Scarlett suggested Iraq had recognised that:

“The one clear weak point in the policy ... has been interviews, especially interviews outside Iraq. The regime has no choice but to continue to resist these. They may be able to give a bit of ground on ‘private’ interviews inside Iraq although they will hesitate about meetings in UNMOVIC’s Baghdad HQ ... Everywhere else, and even in the HQ, they can probably feel confident that the overall level of extreme intimidation will deter interviewees. This is the nature of this kind of totalitarian regime ... And why put your life and that of your family in the hands of an inspector ...?”

227. Mr Scarlett concluded that it was “proving more difficult to deal with the new inspection regime than Saddam and his close advisers probably expected”. Events were “moving faster than anticipated” and Dr Blix was “now pursuing the line that ‘passive cooperation’ is coming close to non-co-operation”. For Iraq, that would be “difficult to handle” because Dr Blix was:

“... pushing Saddam close to red lines he cannot afford (outside interviews) or is simply not able (proof of destruction of VX, chemical munitions, etc) to cross. But if you are Saddam you do not give up hope. The key tactic remains delay in the hope or expectation that something will turn up ...”

228. Addressing Saddam Hussein’s hold on power, Mr Scarlett wrote:

“I continue to be struck by the regime’s ability to conduct complex surveillance and deception operations without unforced errors or major slip ups. Co-ordinating the dispersal of materials and associated documentation around the country and fielding surprise UNMOVIC and IAEA visits to hundreds of sites in a few weeks is a complex undertaking and evidence of the regime’s continuing grip on the population at least of central Iraq.”

229. Addressing Saddam Hussein’s options after an invasion, Mr Scarlett wrote that: “Given the perceived inability of his enemies [the Coalition] to take significant casualties or setbacks”, the Government should take seriously the options available identified in the JIC Assessment “to give us pause even after a military operation begins”. He “picked out”:

- “Attempted use of CBW and missiles ... immediately before an attack or (in Kuwait and southern Iraq) in the early stages of the attack itself.” That would be “Very difficult to pull off”, but “even a small number of short range artillery

rockets getting through would have a disproportionate effect” and it was “not unreasonable for Saddam to think it would give us second thoughts”.

- “CBW armed Al Hussein attack on Israel. Again very difficult to achieve, but the benefits of success are obvious.”
- “A move against the Kurds either immediately before or after a Coalition invasion ...”

230. Mr Scarlett’s comments on Iraq’s response to military action are addressed in Section 6.2.

Cabinet, 30 January 2003

231. Mr Blair told Cabinet on 30 January that he would be discussing the policy on Iraq with President Bush the following day.⁹³

232. In the subsequent discussion it was suggested that the onus was on Saddam Hussein to explain the discrepancies between the Iraqi declaration and a series of unanswered questions: “about 223 missile motors imported illegally; the production of VX nerve agent; 6,500 missing chemical bombs; 12 newly stored chemical shells; and the refusal to allow [Iraqi] scientists to be interviewed in private” listed by Dr Blix. Resolution 1441 “demanded Iraqi co-operation: it was not for the inspectors to act like detectives to find evidence of Saddam Hussein’s guilt”.

Iraq letter, 31 January 2003

In anticipation of Secretary Powell’s presentation of 5 February, Mr Sabri wrote to Mr Annan on 31 January requesting the US Government to “submit immediately its alleged evidence” to enable UNMOVIC and the IAEA to begin investigations and report to the Security Council.⁹⁴

Mr Sabri also stated that the 518 inspections since 27 November, which included all the sites identified by the US and UK, had shown that the allegations were “devoid of truth and had been drafted in order to distort the picture of Iraq and create pretexts for aggression against Iraq and against the region as a whole”.

‘Iraq – Its Infrastructure of Concealment, Deception and Intimidation’

233. Following his meeting with President Bush in Washington on 31 January (see Section 3.6), Mr Blair made a statement to Parliament on 3 February (see Section 3.7).⁹⁵

234. Mr Blair referred to a “report” which had been “published at the weekend” and which he had placed in the Library of the House of Commons, which made clear that

⁹³ Cabinet Conclusions, 30 January 2003.

⁹⁴ UN Security Council, 31 January 2003, ‘Letter dated 31 January 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General’ (S/2003/132).

⁹⁵ House of Commons, *Official Report*, 3 February 2003, columns 21-22.

Iraq had “a huge infrastructure of deception and concealment designed to prevent the inspectors from doing their job”.

235. In response to a request from Mr Iain Duncan Smith, Leader of the Opposition, for the Government to make available any further intelligence relevant to the security of the UK or its citizens, Mr Blair stated:

“We issued further intelligence over the weekend about the infrastructure of concealment. It is obviously difficult when we publish intelligence reports, but I hope that people have some sense of the integrity of our security services. They are not publishing this, or giving us this information, and making it up. It is the intelligence that they are receiving and we are passing it on to people. In the dossier that we published last year, and again in the material that we put out over the weekend, it is very clear that a vast amount of concealment and deception is going on.”⁹⁶

236. The report, ‘Iraq – Its Infrastructure of Concealment, Deception and Intimidation’, stated that it drew on “a number of sources, including intelligence material” and showed how the Iraqi regime was “constructed to have, and to keep, WMD”, and was “now engaged in a campaign of obstruction” of the UN inspectors.⁹⁷

237. The document was in three parts:

- **Part One** focused on how Iraq’s security organisations operated “to conceal” weapons of mass destruction;
- **Part Two** provided “up to date details of Iraq’s network of intelligence and security organisations whose job it is to keep Saddam and his regime in power, and to prevent the international community from disarming Iraq”; and
- **Part Three** showed “the effects of the security apparatus on the ordinary people of Iraq”.

238. In Part One, the document stated that Iraqi security organisations worked “together to conceal documents equipment and materials” and the regime had:

“... intensified efforts to hide documents in places where they were unlikely to be found, such as private homes of low-level officials and universities. There are prohibited materials and documents being relocated to agricultural areas and private homes or hidden beneath hospitals and even mosques.

“The material is being moved constantly, making it difficult to trace or find without absolutely fresh intelligence.

“And those in whose homes this material is concealed have been warned of serious consequences to them and their families if it is discovered.”

⁹⁶ House of Commons, *Official Report*, 3 February 2003, columns 23-24.

⁹⁷ Report [No.10], January 2003, ‘Iraq – Its Infrastructure of Concealment, Deception and Intimidation’.

239. The report described Iraqi activities to monitor UNMOVIC's activities, including that all interviews would be monitored and, in relation to any interviews outside Iraq, that:

"All scientists and key workers have been made to draw up a list of their relatives ... The interviewees know only too well what will happen to them, or their relatives still in Iraq, if it is even suspected that they have said too much ..."

240. The report stated that Iraq would seek to intimidate and put psychological pressure on individual inspectors.

241. On 6 February, *Channel 4 News* reported accusations that the report contained material drawn from published articles, including one by Dr Ibrahim al-Marashi from September 2002, which had been published in the *Middle East Review of International Affairs*.

242. The FCO informed the Foreign Affairs Committee (FAC) on 16 June 2003 that the report was compiled by the CIC, "a cross-government team" which reported to Mr Campbell but which was based in the FCO.⁹⁸

243. Mr Campbell told the FAC that the document was:

"... intended as a briefing paper for journalists to inform them of the way in which the Iraqi state was dominated by its security apparatus and therefore well placed to conceal WMD. When new intelligence material came to light, which was authorised for use in the public domain, which revealed the scale of the regime's programme of deception and concealment, it was my idea ... to base a briefing paper for the media upon it and this approach was agreed by the Iraq communication group in early January, and the paper worked on during that month."⁹⁹

244. Mr Campbell stated that the CIC was commissioned to produce the paper. He had edited it and changed the title, and informed Mr Blair about the nature of the report and its intended purpose, before it was given to "six representatives of the UK Sunday newspapers" travelling to Washington with Mr Blair. The document had subsequently been posted on the No.10 website on 3 February and placed in the House of Commons Library the same day.

245. Mr Campbell stated that Dr al-Marashi's article had been submitted to the CIC and had been "absorbed into the briefing paper, without attribution". It "formed the basis" of Part Two of the report and was then assumed by those asked to comment on the report to have come from Government sources.

⁹⁸ Memorandum FCO to Foreign Affairs Committee, 16 June 2003, 'Memorandum from the Foreign and Commonwealth Office'.

⁹⁹ Memorandum Campbell to Foreign Affairs Committee, 24 June 2003, 'Memorandum from Alastair Campbell'.

246. Mr Campbell subsequently informed the FAC that Parts One and Three of the report were “based on information provided by SIS from a range of sources”.¹⁰⁰ There was also some intelligence material in Part Two, and Mr Campbell provided some examples.

247. The Intelligence and Security Committee (ISC) was informed that the SIS representative at Mr Campbell’s meeting in January had offered to provide a briefing note on the organisation of deception, concealment and intimidation in Iraq as SIS had “acquired a body of information on these matters”.¹⁰¹ The document provided by SIS was published by the ISC in its report.

248. Mr Campbell wrote to the CIC authors on 7 February pointing out the “absolute necessity of quality control”.¹⁰² That was “particularly important in any document ... that includes intelligence assessment”. He took responsibility for the document and he “would defend it on substance”, but he had to be “able to make basic assumptions about quality control”.

249. Mr Campbell added that:

“... as the prospect of conflict grows, we have to be extra sensitive to the fact that the media will want to pick apart our communications.

“So lessons must be learnt from this, and greater emphasis placed on quality not quantity, and acute sensitivity to the new political and media realities.”

250. On 11 February, Sir David Omand, Cabinet Office Permanent Secretary and Security and Intelligence Co-ordinator, issued guidance on the use of intelligence in CIC products, including the need for the lead policy department to be “fully consulted”.¹⁰³ Pointing out that “the reputation of the intelligence community” was “at risk” whenever intelligence material and judgements were “attributed to the Government”, Sir David proposed applying the following rules:

“a. where intelligence is to be used attributably, in whatever form, the precise wording must be cleared with the Agency originating the material and the Assessments Staff;

b. where the attributable product is to be released under the rubric that intelligence material is involved, the document as a whole must be cleared with the Assessments Staff;

¹⁰⁰ Memorandum Campbell to Foreign Affairs Committee, 24 June 2003, ‘Supplementary memorandum from Alastair Campbell’.

¹⁰¹ Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraphs 129-130.

¹⁰² Minute Campbell to Hamill, 7 February 2003, ‘Re: Concealment Document’.

¹⁰³ Minute Omand to Campbell, 11 February 2003, ‘The Use of Intelligence in CIC Products’.

c. in cases where the content of an attributable product relies largely on intelligence, the Assessments Staff should control and co-ordinate the preparation of the document;

d. finally, the current arrangements for the handling of material from the intelligence Agencies on an unattributable basis should continue as before.”

251. Asked about the origins and accuracy of the dossier published by No.10 during Prime Minister’s Questions on 13 February, Mr Blair said that the part of the document that dealt with intelligence was from intelligence sources and was accurate, as was the document as a whole.¹⁰⁴

252. Mr Blair “had said publicly that Dr al-Marashi should have been acknowledged as a source”, and that the journal in which his article was published should have been identified.¹⁰⁵

253. The FCO told the FAC that lessons had been learned from the way the report had been handled and systems had been put in place “to ensure that any intelligence material which is made available publicly will first be authorised by the JIC Chairman”.¹⁰⁶

254. In its report published on 7 July 2003, the FAC concluded:

“... the effect of the February dossier was almost wholly counter-productive. By producing such a document the Government undermined the credibility of their case for war and of the other documents which were part of it.

“... [B]y referring to the document on the floor of the House as ‘further intelligence’ the Prime Minister – who had not been informed of its provenance ... misrepresented its status and thus inadvertently made a bad situation worse.

“... [I]t is wholly unacceptable for the Government to plagiarise work ... and to amend it without ... highlighting the amendments ... [I]t was fundamentally wrong to allow such a document to be presented to Parliament and made widely available without ministerial oversight.

“We recommend that any paper presented to Parliament ... for the purpose of explaining the Government’s foreign policy be signed off by a FCO Minister. We further recommend that any FCO document presented to Parliament which draws on official sources should include full transparency of sources, and attribution where appropriate.”¹⁰⁷

¹⁰⁴ House of Commons, *Official Report*, 12 February 2003, columns 857-860.

¹⁰⁵ Memorandum Campbell to Foreign Affairs Committee, 24 June 2003, ‘Memorandum from Alastair Campbell’.

¹⁰⁶ Memorandum FCO to Foreign Affairs Committee, 16 June 2003, ‘Memorandum from the Foreign and Commonwealth Office’.

¹⁰⁷ Ninth Report from the Foreign Affairs Committee, Session 2002-2003, 7 July 2003, *The Decision to go to War in Iraq*, HC 813-1, paragraphs 136-139.

255. The ISC concluded:

“The publicity surrounding the document was such that it devalued the input of the Agencies. It was counter-productive in that attention was distracted from the concealment, intimidation and deception of the Iraqi regime.”¹⁰⁸

256. Commenting on the FAC conclusions in its response, the Government stated:

- It disagreed that the February dossier had “undermined the case for war”: “As the FAC itself says, the information in the February document was important. The overall accuracy of the document has never been challenged.”
- Mr Blair “did not misrepresent the status of the document. It did contain intelligence material ... from a range of sources and was regarded by the [intelligence] Services involved as reliable and significant. The introduction ... makes clear that the document draws on a number of sources, of which intelligence was one.”
- It acknowledged that “mistakes were made and lessons have been learned. Amendments made to the text were in line with information obtained from other sources and did not undermine the accuracy of the document.”
- “Ministers take full responsibility for all papers presented to Parliament that explain the Government’s foreign policy ...”¹⁰⁹

Secretary Powell’s presentation to the Security Council, 5 February 2003

257. Secretary Powell gave a long and detailed presentation to the Security Council on 5 February setting out the US position on the threat posed by Iraq and its failure to comply with resolution 1441.

258. In his presentation to the Security Council on 5 February, Secretary Powell stated that he had asked for the meeting for two purposes:

- The first was to support the “core assessments” made by Dr Blix and Dr ElBaradei.
- The second was to provide “additional information and to share ... what the United States knows about Iraq’s weapons of mass destruction, as well [as] Iraq’s involvement in terrorism”.¹¹⁰

259. Secretary Powell stated that the information “when combined with what all of us have learned over the years” was “deeply troubling”. There was “an accumulation of

¹⁰⁸ Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 135.

¹⁰⁹ Foreign Secretary, *The Decision to go to War in Iraq. Response of the Secretary of State for Foreign and Commonwealth Affairs*, November 2003, Cm6062, paragraphs 21-24.

¹¹⁰ UN Security Council, ‘4701st Meeting Wednesday 5 February 2003’ (S/PV.4701).

facts and disturbing patterns of behaviour” that demonstrated that Saddam Hussein and his regime had “made no effort to disarm as required by the international community” and was “concealing their efforts to produce more weapons”.

260. Secretary Powell provided tapes of intercepted conversations and satellite imagery which he interpreted as demonstrating Iraq’s attempts to conceal activity to “clean up” facilities before visits by the inspectors.

261. Secretary Powell also stated that human sources had told the US that:

- The Iraqis were moving “not just documents and hard drives but also weapons of mass destruction to keep them from being found by inspectors”.
- “... [W]e know from sources that [last fall] a missile brigade outside Baghdad was disbursing rocket launchers and warheads containing biological warfare agents to various locations, distributing them to various locations in western Iraq. Most of the launchers ... were to be moved every one to four weeks to escape detection.”
- “In early December, Saddam Hussein had all Iraqi scientists warned of the serious consequences that they and their families would face if they revealed any sensitive information to the inspectors. They were forced to sign documents acknowledging that divulging information is punishable by death.”
- “Saddam Hussein also said that scientists should be told not to agree to leave Iraq. Anyone who agreed to be interviewed outside Iraq would be treated as a spy.”
- A “false death certificate” had been issued for one scientist, and he was “sent into hiding” and a “dozen experts have been placed under house arrest ... at one of Saddam Hussein’s ‘guest houses’”.

262. Secretary Powell added that the “information and intelligence” pointed to “an active and systematic effort on the part of the Iraqi regime to keep materials and people from the inspectors”.

263. Secretary Powell stated that Iraq had failed the test of providing an honest declaration and the conclusion that Iraq was now in further material breach of its obligation was “irrefutable and undeniable”. Iraq had “placed itself in danger of the serious consequences called for in resolution 1441”. The Council placed itself “in danger of irrelevance” if it allowed Iraq to “continue to defy its will without responding effectively and immediately”.

264. Secretary Powell set out the “real and present dangers” posed by Iraq’s weapons of mass destruction.

265. In relation to Iraq’s biological weapons, Secretary Powell stated that “One of the most worrisome things” was the “existence of mobile production facilities used to make biological agents”. Secretary Powell set out the details provided by “an Iraqi chemical

engineer who supervised one of these facilities”, who had defected and was hiding in another country. He added:

- The existence of transportable facilities moving on trailers had been “confirmed by a second source, an Iraqi civil engineer in a position to know the details of the program”.
- “A third source, also in position to know, reported in summer 2002 that Iraq had manufactured mobile production systems mounted on road trailer units and on rail cars.”
- A fourth source, “an Iraqi major, who defected, confirmed that Iraq has mobile biological research laboratories”.

266. Secretary Powell provided diagrams of the reported facilities and stated: “We know that Iraq has at least seven of these mobile biological agent factories.”

267. During his presentation Secretary Powell also drew attention “to the fine paper that the United Kingdom distributed yesterday which describes in exquisite detail Iraqi deception activities”.

268. Secretary Powell was referring to the No.10 document, ‘Iraq – Its Infrastructure of Concealment, Deception and Intimidation’.

269. In his statement to the Security Council, Mr Straw described Secretary Powell’s presentation as “a most powerful and authoritative case against the Iraqi regime” and thanked him for “laying bare the deceit practised by the regime of Saddam Hussein, and worse, the very great danger which that regime represents”.

270. Mr Mohammed Aldouri, Iraqi Permanent Representative to the UN, challenged the “incorrect allegations” in Secretary Powell’s statement and reiterated that Iraq had no weapons of mass destruction. He stated that inspectors had visited the sites identified in US and UK reports in September and October and “none of the allegations” was true. He also rebutted statements made by President Bush in his State of the Union address on 28 January.

271. Mr Aldouri reaffirmed Iraq’s commitment to pro-active co-operation with the inspectors so that they could verify that Iraq was free of weapons of mass destruction, sanctions could be lifted, and progress could be made on regional security by ridding the whole Middle East of WMD.

Meetings with Dr Blix and Dr ElBaradei, 6 February 2003

272. Dr Blix reminded Mr Blair that the material described as “unaccounted for” in UNSCOM’s report of 1999 was not necessarily present in Iraq; and that it would be “paradoxical to go to war for something that might turn out to be very little”.

273. Dr Blix told Mr Straw he thought Iraq had prohibited programmes, and it “definitely possessed the ability to jump-start BW programmes”.

274. On 6 February, Dr Blix and Dr ElBaradei met Mr Blair and Mr Straw.

275. In the meeting with Mr Blair, Dr Blix registered a number of questions about Secretary Powell's briefing to the Security Council the previous day.¹¹¹ He also said that intelligence leads had so far produced only one success.

276. The record of the meeting stated that Dr Blix:

"... would seek to resolve three relatively minor points related to process: U2 overflights, interviews, and Iraqi domestic legislation. His approach would be that the Iraqis had better come up with co-operation on substance ... If Saddam decided to be as helpful on substance as he was on process, fine."

277. Mr Blair doubted that Saddam Hussein would co-operate:

"He would try some trick to divide the Security Council. Retaining his WMD was essential to his own view of his grip on Iraq."

278. Dr Blix reminded Mr Blair that: "UNSCOM had not reported that the 1999 left-overs were present in Iraq, just that they were unaccounted for." UNMOVIC was more cautious than the UK, but Dr Blix agreed that if Iraq did not have documents it should be more eager to allow interviews to go ahead. There was a stalemate on the issue. The inspectors might have to ask for interviews without minders, but Dr Blix was uneasy about risking people's lives.

279. Dr Blix was reported to have informed Mr Blair that his report to the Security Council on 14 February would probably contain a "balance sheet". His last assessment had been "honest but harsh"; the next might have to say that the inspectors "had not found any WMD".

280. In response to a comment by Mr Blair that containment "was not a long term policy, and sanctions caused misery to the Iraqi people", Dr Blix "commented that it would be paradoxical to go to war for something that might turn out to be very little". Mr Blair replied that "if Saddam had no or little WMD he should prove it".

281. Mr Rycroft reported that Sir David Manning had:

"... underlined we were confident of our judgements on Iraq's CBW. If the inspectors had difficulty finding it, this was because Saddam was not co-operating."

282. Mr Campbell wrote in his diaries that Dr Blix felt that Secretary Powell had done well but was avoiding comment.¹¹² Dr Blix was "pretty cagey" and had "made clear his job was to be sceptical". Dr Blix was talking to Iraq about enhanced co-operation and

¹¹¹ Letter Rycroft to Owen, 6 February 2003, 'Iraq: Prime Minister's Meetings with Blix and ElBaradei, 6 February'.

¹¹² Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

trying to resolve the issues of anthrax and VX: “On the remnants of old programmes they should be able to tell us.”

283. In his subsequent meeting with Mr Straw, Dr Blix was reported to have said he had clear indications that anthrax had been weaponised and his personal judgement was that Iraq did have programmes and “definitely possessed the ability to jump-start BW programmes”.¹¹³ The trick would be to find evidence.

284. Dr Blix also told Mr Straw that if the Al Samoud missiles were found to be illegal, they would be destroyed. That could force a real confrontation with the Iraqis who were not keen to lose billions of dollars of armaments at a time when they were threatened with military action.

285. Dr ElBaradei was reported to have told Mr Straw that he would press Iraq hard on possible uranium imports and interviews. He did not expect much movement from Iraq and tough messages from the international community could only help the inspectors.

286. Mr Straw encouraged Dr ElBaradei to focus on interviews. Dr ElBaradei reported that the scientists he had interviewed were clearly extremely nervous, but he saw great difficulties with conducting interviews overseas.

287. Dr ElBaradei told Mr Blair that:

“Not all members agreed with the US timing ... Iraq was not co-operating. Unless there were clear signs of an Iraqi change of heart on co-operation, (both process, including interviews, and substance), UNSCR 1441 would have to be implemented. Not allowing interviews was a lack of full co-operation ... dribbling out concessions was not full co-operation ... His 14 February report would be as clear as possible.”¹¹⁴

288. In Dr ElBaradei’s view, CBW (chemical and biological weapons) was the key.

289. On nuclear issues, the inspectors continued to assess the aluminium tubes. Reports of the possible import of uranium were: “Much more disturbing ... There could only be one reason for such an import.”

290. Dr ElBaradei told Mr Blair that:

“If satisfactory co-operation was not forthcoming, the next best outcome would be to force Saddam ... out ... [He] did not oppose more time for inspections. Any war would risk radicalising the region. It should be UN-controlled. As should the future Iraq ...”

¹¹³ Telegram 79 FCO London to UKMIS New York, 7 February 2003, ‘Iraq: Foreign Secretary’s Meetings with Blix and El-Baradei, 6 February’.

¹¹⁴ Letter Rycroft to Owen, 6 February 2003, ‘Iraq: Prime Minister’s Meetings with Blix and El-Baradei, 6 February’.

291. The No.10 record stated that Mr Blair had made clear to both Dr Blix and Dr ElBaradei “the importance of putting Iraqis on the spot with some sharp questions, to show whether they were co-operating fully or not”. He had “also emphasised the importance of interviews”.

292. The wider issues discussed are addressed in Section 3.7.

Mr Straw’s speech, 11 February 2003

293. Mr Straw set out a detailed case for confronting the challenge posed by Iraq in a speech to the International Institute for Strategic Studies on 11 February.

294. In a speech made at the International Institute for Strategic Studies on 11 February, Mr Straw set out “the disturbing outcome of a failure to act decisively to secure Iraq’s disarmament” and the need, “for the sake of the Iraqi people, long-term stability in the Middle East, the credibility of the UN and the cause of international law and collective security” to confront the challenge posed by Iraq.¹¹⁵

295. In relation to Iraq, Mr Straw stated:

“Weapons of mass destruction have been a central pillar of Saddam’s dictatorship since the 1980s. He has amassed poisons and viruses both to suppress his own people, and to threaten his neighbours. He has relentlessly pursued his ultimate ambition, the acquisition of a nuclear weapons capability, in flagrant disregard of SCRs and Iraq’s obligations as a non-nuclear weapons state under the Non-Proliferation Treaty. His pursuit of these weapons has lain at the heart of the UN’s stand-off with Iraq for the past 12 years.”

296. Mr Straw argued that the Iraqi threat to Europe and the US was not “overstated”. Resolution 1441 recognised the “singular menace” from Iraq’s weapons of mass destruction. UNSCOM had had some successes, including overseeing the destruction of “significant quantities” of weaponry, but when the inspectors left in 1998, it was “clear that the regime continued to hold vast stocks of deadly weaponry”. The absence of inspectors since 1998 had “allowed Saddam to accelerate his weapons programmes”. The report published in autumn 2002 had “demonstrated determined efforts” to enhance Iraq’s nuclear, biological and chemical capabilities. Dr Blix’s report to the Security Council in January had “underlined these concerns”. Diplomacy, intelligence co-operation, reinforced export controls, and interdiction and disruption of supplies were options being used to “frustrate the ambitions” of other regimes. But “in respect of Iraq”, those options had been “exhausted ... over 12 long years”. It was the “deadly combination of capability and intent” which made Saddam Hussein “uniquely dangerous”. Rogue regimes which showed “total disregard for the rule of law, and share the terrorists’ hatred of our values” were the “most likely source of materials and know-how”. Given Saddam Hussein’s “longstanding support for terrorist causes”, the

¹¹⁵ The National Archives, 11 February 2003, *Iraq: A challenge we must confront*.

“terrifying possibility that his poisons and diseases” would “find their way into the hands of Al Qaida and its sympathisers” could not be ruled out.

The UK contribution to UNMOVIC’s investigations

297. Sir Richard Dearlove told No.10 that UK intelligence had been responsible for two of UNMOVIC’s finds.

298. UNMOVIC and the IAEA’s inspections were supported by information provided by both SIS and the DIS.¹¹⁶

299. The FCO advised No.10 in mid-January that UK intelligence had helped UNMOVIC to discover illegally imported rocket engines.¹¹⁷

300. The UK also had provided intelligence on the home of the Iraqi scientist who had concealed documents relating to Iraq’s pre-1991 nuclear programme.¹¹⁸

301. At Sir Richard Dearlove’s request, his Private Secretary sent an update on the progress of inspections to Sir David Manning on 12 February.¹¹⁹

302. Sir David was told that the strike rate in relation to the UK intelligence-led inspections was low, but it had been responsible for two out of three UNMOVIC finds to date, from more than 550 inspections. In addition, “even where there is no WMD, something else has often been concealed [...] Our inspections have revealed the Iraqi game.”

303. Sir Richard’s update also stated that “we needed to keep going in the expectation that an intelligence-led inspection would lead to a find or a solid refusal of entry”.

304. Sir David sent the letter to Mr Powell with the comment: “More inspections ahead – but time getting very short.”¹²⁰

305. In a note produced on 12 February, the DIS recorded that most of the site visits conducted by UNMOVIC and the IAEA during the first six weeks were “intended [to] familiarise inspectors with the sites, and inspection techniques”.¹²¹

306. From early January, “the inspections had become longer and more intrusive” and, by the beginning of February, UNMOVIC had “visited or inspected all but one of the UK’s

¹¹⁶ Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 136.

¹¹⁷ Letter Davies to Rycroft, 15 January 2003, ‘Prime Minister’s Meeting with Hans Blix, UNMOVIC’.

¹¹⁸ Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 136.

¹¹⁹ Letter PS/C to Manning, 12 February 2003, ‘Update on Intelligence-Led UNMOVIC Inspections’.

¹²⁰ Manuscript comment Manning to Powell [undated] on Letter PS/C to Manning, 12 February 2003, ‘Update on Intelligence-Led UNMOVIC Inspections’.

¹²¹ Note DIS Counter Proliferation Support Group, 12 February 2003, ‘The Effectiveness of UN Weapons Inspections in Iraq’.

recommended sites”, and continued to be receptive to UK advice on potential targets. Finds had included:

- “nuclear-related documents hidden at the home of [...] an Iraqi scientist” on 16 January, although “the general perception has been that these do not constitute a ‘smoking gun’”;
- “CW associated rocket warheads at Ukhaider Ammunition depot” the same day. The liquid in one warhead was “awaiting the delivery of chemical sampling equipment”. That had arrived but was “not yet operational”;
- a “small quantity of ... CW precursor chemicals at a Laboratory”;
- “aluminium nozzles for 80mm rockets that Iraq had recast, but not declared” were discovered by the IAEA on 31 January; and
- “parts” from a “suspected ... biological or chemical sub-munition” were found “at the al-Numan factory” on 2 February.

307. The Iraqis realised that some inspections had “been mounted on the basis of intelligence”, and had “increased even further the measures being taken to prevent damaging material being uncovered by either UNMOVIC or IAEA”. That included “ensuring that WMD material only remains at a particular location for an absolute maximum of 24 hours, and contingency plans to ensure that ‘crowds’ will always be available to disrupt an inspection that might prove successful”.

308. The DIS report concluded:

“UNMOVIC and the IAEA are capable of conducting thorough inspections; however, mistakes have resulted in at least two inspections failing to uncover concealed material ...

“UNMOVIC and IAEA remain very receptive to UK intelligence. On balance, however, in the absence of Iraqi cooperation, we assess that the discovery of a ‘smoking gun’ will probably be the result of intelligence information, skill on the part of the inspectors, an Iraqi mistake, and an element of luck.”

309. The ISC reported that:

- SIS provided UN inspectors with about 170 intelligence reports between December 2000 and March 2003;
- the DIS also provided regular briefings;
- Mr Blair and Mr Straw confirmed that the UK passed all UK-owned intelligence that was relevant to UN inspections; and
- the UK had provided intelligence packs on 19 sites.¹²²

¹²² Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 136.

310. The Butler Review was told that the UK used about 30 separate pieces of intelligence from human sources and satellite imagery covering 19 sites to provide leads for the UN inspectors.¹²³ UNMOVIC visited seven of those sites, made a partial examination of one more and subjected one further site to an inspection by ground-penetrating radar.

The perspective of the inspectors

311. Dr Blix reported to the Security Council on 14 February that UNMOVIC had not found any weapons of mass destruction and the items that were not accounted for might not exist, but Iraq needed to provide the evidence to answer the questions, not belittle them.

312. The Al Samoud 2 missile programme and engines converted for use on the missile were proscribed.

313. The third Ministerial-level meeting of the Security Council to discuss Iraq took place on 14 February.¹²⁴

314. Dr Blix told the Security Council that:

- UNMOVIC had begun the process of destroying approximately 50 litres of mustard gas declared by Iraq.
- More than 200 chemical and more than 100 biological samples had been collected. Three-quarters of the samples had already been tested and the results were consistent with Iraq's declarations.

315. Addressing how much, "if any", was left of Iraq's weapons of mass destruction, Dr Blix stated that UNMOVIC had not found any so far, "only a small number of empty chemical munitions, which should have been declared and destroyed". UNMOVIC had destroyed the "laboratory quantity" of a "mustard gas precursor" that had been found. Many proscribed weapons and items had not been accounted for, but:

"One must not jump to the conclusion that they exist. However that possibility is also not excluded. If they exist they must be presented for destruction. If they do not exist, credible evidence to that effect should be presented."

316. Addressing Iraq's ballistic missile programmes, Dr Blix stated:

- Experts had "concluded unanimously" that the two variants of the Al Samoud 2 missile declared by Iraq were capable of exceeding the range of 150km and were therefore proscribed.

¹²³ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 357.

¹²⁴ UN Security Council, '4707th Meeting Friday 14 February 2003' (S/PV.4707).

- Any of the 380 SA-2 engines imported in contravention of resolution 687 and converted for use in the Al Samoud missile system were also proscribed.
- The casting chambers for missile motors which had been destroyed by UNSCOM and reconstituted were also proscribed.
- Clarifications were needed before decisions could be made on the capabilities of the Al Fatah missile and the engine test stand at al-Rafah.

317. Addressing the role of intelligence, Dr Blix stated that in the closed society of Iraq, and given the history of inspections, “other sources of information, such as defectors and government intelligence agencies” were “required to aid the inspection process”. International organisations then needed to analyse such information critically.

318. Dr Blix added that intelligence had been useful for UNMOVIC, and in one case had led to the discovery of documents relating to laser enrichment of uranium:

“In other cases, intelligence has led to sites where no proscribed items were found. Even in such cases, however, inspection of these sites were useful in proving the absence of such items and in some cases the presence of other items – conventional munitions. It shows that conventional arms are being moved around the country and their presence is not necessarily related to weapons of mass destruction.”

319. Dr Blix also pointed out that the evidence that Iraq had prepared for inspections by cleaning up sites and removing evidence, presented to the Security Council by Secretary Powell on 5 February, could have a different interpretation.

320. Dr ElBaradei reported that the IAEA had found no evidence of ongoing prohibited nuclear or nuclear-related activities in Iraq, although a number of issues were still under investigation.

321. Dr ElBaradei reported that Iraq had provided documentation relating to the reported attempt to import uranium, the attempted procurement of aluminium tubes, the procurement of magnets and magnet production capability, and the use of HMX. The IAEA:

- was pursuing the acquisition of uranium;
- examining issues in relation to aluminium tubes and magnets; and
- might be unable to reach a final conclusion on HMX: “While we have no indication that this material was used for any application other than declared by Iraq, we have no technical method of verifying ... the declared use ...”

322. In relation to “documents found on 16 January in the private residence of an Iraqi scientist”, the IAEA had “completed a more detailed review”. The documents related “predominantly to lasers, including the use of laser technology to enrich uranium”. “Nothing” in the documents altered “the conclusions previously drawn by the IAEA” about the extent of Iraq’s laser enrichment programme.

323. Iraq had also provided documentation about questions and concerns which had remained since 1998 about weapons and centrifuge design, but the documents contained “no new information”. Dr ElBaradei hoped that “the new Iraqi commissions ... will be able to discover documents and other evidence that could assist in clarifying remaining questions and concerns”.

324. Dr ElBaradei had “reported on numerous occasions” that the IAEA had:

“... by December 1998 ... concluded that it had neutralised Iraq’s past nuclear programme and that therefore no unresolved disarmament issues remained ... Hence, our focus since the resumption of inspections ... has been verifying whether Iraq revived its nuclear programme in the intervening years.

“We have to date found no evidence of ongoing prohibited nuclear or nuclear-related activities in Iraq. However ... a number of issues are still under investigation ... we intend to make full use of the authority granted to us ... to build as much capacity into the inspection process as necessary.

“In that context, I would underline the importance of information that States may be able to provide to help us in assessing the accuracy and completeness of information provided by Iraq.”

325. Mr Straw thanked Dr Blix and Dr ElBaradei for “their great efforts in the face of what I think is still very clear: Iraq’s failure, fully and actively to comply with resolution 1441”.

326. Mr Straw stated that the issue, which “could not be graver”, was “about the authority of the United Nations and about the responsibility of the Security Council for international peace and security”. All the members of the Council knew that Iraq had “had these weapons [of mass destruction and long-range missiles]”; Iraq had been “found guilty” in 1991. The issue was whether Iraq was “actively co-operating to get rid of them”.

327. Mr Straw stated that Iraq had lied, had concealed weapons and played games. As Dr Blix and Dr ElBaradei had:

“... spelled out in their report of 27 January, Iraq has failed to account for thousands of tons of chemical weapons and precursor chemicals, of shells and bombs for anthrax, for mustard gas, for VX nerve agent. They have failed to make a full and complete disclosure as required of them ... They have failed to co-operate fully and actively on substance, as well as on process with the inspectors, and failed substantively to meet the obligations imposed on them.”

328. Iraq continued to state that it did not possess weapons of mass destruction.

329. Mr Aldouri stated that Iraq had agreed to act on resolution 1441 and had “provided everything that might fall within the concept of pro-active Iraqi co-operation”. The

documents provided with the Iraqi declaration, of 7 December 2002, required “in-depth study” because they contained “updated relevant information responding to many questions”. Iraq had “the right to wonder whether the declaration had been studied with due diligence and thoroughness”. Iraq had “begun to co-operate pro-actively”, and many speakers had called for that but there was a question about what that would mean.

330. Mr Aldouri pointed out that there was an “Arabic proverb that an empty hand has nothing to give. You cannot give what you do not have. If we do not possess such weapons, how can we disarm ourselves? How can such weapons be dismantled if they do not exist?”

331. Iraq agreed that the “best way to resolve these issues is through continuing pro-active co-operation with the inspectors”. Mr Aldouri stressed that Iraq had:

“... chosen the path of peace. We have opted for solutions that would satisfy the international community. We are prepared to provide all means to assist in making clear the true picture ...

“We hope the Security Council will heed the desire of the vast majority of States Members of the United Nations and allow the inspectors to fulfil their role ...”

332. In the subsequent private discussion of the Council, Mr Straw stated that there was “overwhelming evidence that Iraq had had WMD”; if there was no evidence it had been destroyed, we had to work on the basis that it existed.

333. Sir Jeremy Greenstock reported that in response to points raised during the private session of the Council, Mr Straw had stated that the reason the Council had said Iraq’s WMD posed a threat was because there was “overwhelming evidence that it had had the material. If we had no evidence it had been destroyed, we had to work on the basis that it existed and that there was a danger to the region and to our national security.”¹²⁵ Oral cross-examination was the best way to get the truth. Interviewees were not saying anything and were insisting on tape recorders because they wanted to stay alive: “Until Iraq allowed interviews outside Iraq and in free conditions, we would be naive to think that they were co-operating.”

334. Dr Blix told Mr Blair on 20 February that the intelligence he had received was “not all that compelling”; perhaps there was not much WMD in Iraq.

335. Mr Blair telephoned Dr Blix on 20 February.¹²⁶

336. In the course of a discussion lasting 45 minutes about the possibility of devising an ultimatum for Iraq and tests for compliance (see Section 3.7), Dr Blix told Mr Blair that the intelligence he had received was “not all that compelling”. While he still tended

¹²⁵ Telegram 266 UKMIS New York to FCO London, 15 February 2003, ‘Iraq: Blix and ElBaradei Presentations: Private Session’.

¹²⁶ Letter Cannon to Owen, 20 February 2003, ‘Iraq: Prime Minister’s Conversation with Blix’.

to think that Iraq was concealing some WMD, he needed evidence to put to the Security Council. He was receiving “a flow of half promises” on Iraqi co-operation and needed more time.

337. Dr Blix also commented that “perhaps there was not much WMD in Iraq after all”; and that the French and Germans were “unsure” about mobile BW production facilities: “It would be paradoxical and absurd if 250,000 men were to invade Iraq and find very little.”

338. Mr Blair responded that “our intelligence was clear that Saddam had reconstituted his WMD programme”.

339. The record stated that Dr Blix had “concluded that he accepted the need for time-lines and bench-marks”.

340. In his account of the conversation, Dr Blix wrote that he had said:

“Only at three sites to which we had gone on the basis of intelligence had there been any result at all.

“Personally, I tended to think that Iraq still concealed weapons of mass destruction, but I needed evidence. Perhaps there were not many such weapons in Iraq after all.”¹²⁷

SIS advice of 17 and 20 February 2003

341. Sir Richard Dearlove counselled on 17 February that there was no guarantee that inspections would produce conclusive physical evidence of WMD.

342. In a minute to Sir David Manning on 17 February, responding to a request for views on way ahead on Iraq (see Section 3.7), Sir Richard Dearlove stated that there was ample evidence, including from Dr Blix, that Iraq was not, and had no intention of, complying with its obligations.¹²⁸ Given the resources Saddam Hussein had available to thwart inspections, and the scale of the task of uncovering something “truly damning”, there was no guarantee that the inspections would produce conclusive physical evidence.

343. Sir Richard Dearlove’s Private Secretary advised Sir David Manning on 20 February that the “chances of a successful inspection are slim”.¹²⁹ SIS had sent messages to its best placed sources “emphasising the utmost importance of a major find in the next two weeks, and asking them to do everything possible to try and identify where materials or papers are being hidden”. The chances of a potential defector were “not encouraging”.

¹²⁷ Blix H. *The Search for Weapons of Mass Destruction: Disarming Iraq*. Bloomsbury Publishing Plc, 2005.

¹²⁸ Letter Dearlove to Manning, 17 February 2003, ‘Iraq: The Way Forward’.

¹²⁹ Letter PS/C to Manning, 20 February 2003, ‘Iraq: UNMOVIC Inspection and Defectors’.

344. SIS did not inform No.10 or others that the source who had provided the reporting issued on 11 and 23 September 2002, about production of chemical and biological agent, had been lying to SIS.

345. On 2 February 2003, there was further reporting that the sub-source had not produced the material.¹³⁰

346. By 18 February, the source was being described as having been revealed to have been lying to SIS over a period of time.¹³¹

347. By 3 March, SIS had concluded that there was no further material and that SIS would seek to make direct contact with the sub-source.¹³²

348. The reissue of the reports in April 2003 and the subsequent withdrawal of this stream of reporting in July 2003 is addressed later in this Section.

Briefings for Cabinet Members and Committee Chairs

349. At Mr Blair's request, members of Cabinet were briefed by Mr Scarlett in February 2003.

350. Mr Scarlett also briefed the Chairmen of the House of Commons Committees on Foreign Affairs and Defence and the Intelligence and Security Committee.

351. Following Cabinet on 6 February, Mr Blair asked Mr Scarlett "to provide a confidential and intelligence based briefing on Iraq for small groups of Ministers attending Cabinet". The briefing would "take as its starting point Part 1 of the Government's dossier published last September" and cover:

- the "latest assessment of Iraq's holding of weapons of mass destruction";
- the Iraqi response to resolution 1441;
- "recent developments in Iraq and our current assessment of the cohesion of the regime"; and
- "Iraq and terrorism".¹³³

352. Four "briefing sessions" were offered the following week.

353. Mr Scarlett briefed the ISC on 5 February, following up a previous briefing on 22 January.¹³⁴

¹³⁰ SIS record, 2 February 2003.

¹³¹ SIS record, 18 February 2003.

¹³² SIS record, 3 March 2003.

¹³³ Minute PS/Chairman JIC to Prout, 7 February 2003, 'Intelligence Briefing on Iraq'.

¹³⁴ Minute Scarlett to Heads of Intelligence Agencies, 10 February 2003, 'Intelligence and Security Committee: Iraq Briefing'.

354. Mr Scarlett also provided briefings for Mr Donald Anderson and Mr Bruce George, respectively the Chairmen of the House of Commons Foreign Affairs and Defence Committees.¹³⁵ Mr Scarlett reported that Mr Anderson had found the imagery used by Secretary Powell “especially ‘compelling’”.

355. The report of the briefing on 6 February for Mr George stated that the text had been agreed with the intelligence Agencies.¹³⁶ Mr George had shown most interest in Iraq’s policy of concealment and had also asked about its links with Al Qaida. Mr Scarlett also reported that Mr George was: “... clear that the evidence on WMD holdings and concealment was ‘sufficiently compelling’ to justify ‘military operations’.”

356. The brief prepared for the Cabinet members drew on the document produced for briefing the Chairmen of the Select Committees.¹³⁷

357. The brief for Cabinet members provided substantial additional material on:

- Iraq’s programmes before the 1990-1991 Gulf Conflict;
- the current assessment of Iraq’s capabilities – including its missile capabilities;
- difficulties with securing interviews;
- scenarios for CBW use;
- the risk of terrorism in the event of military action against Iraq.

358. Drawing on the detailed information published in the 24 September dossier, the brief stated that before the 1990-1991 Gulf Conflict, Iraq:

- had “declared to the UN the production of:
 - 2,850 tonnes of mustard gas, 210 tonnes of tabun, 795 tonnes of sarin and cyclosarin, and 3.9 tonnes of VX
 - 19,000 litres of botulinum toxin, 8,500 litres of anthrax, 2,200 litres of aflatoxin”;
- “was aiming to produce a nuclear warhead with a yield of 20 kilotons”; and
- “had a well developed ballistic missile industry, producing missiles with ranges up to 650km”.

359. In addition:

- UNSCOM and the IAEA had “destroyed much of the pre-1991 programmes”.
- There were intelligence indications that “planning to reconstitute some of its programmes began in 1995”.

¹³⁵ Minute Scarlett to Manning, 7 February 2003, [untitled].

¹³⁶ Minute Scarlett to Manning, 6 February 2003, ‘Briefing of Bruce George MP, Chairman of the Select Committee on Defence’.

¹³⁷ Minute Scarlett to Powell, 18 June 2003, ‘Iraq/FAC: Robin Cook’ attaching Paper, [undated], ‘Iraq – Brief for the Cabinet’.

360. The brief stated that the Government assessment published on 24 September (the dossier), judged that Iraq:

- Had “a usable chemical and biological capability, which included production in 2002 of chemical and biological agents, and military plans to use them”.
- Continued “to work on developing nuclear weapons”.
- Possessed “up to 20 650km range” Al Hussein missiles”, and was “developing longer-range ballistic missiles, and is extending the ranges of Al Samoud and Ababil-100 systems beyond the permitted range of 150km”.

361. Addressing the current assessment of Iraq’s capabilities, the brief stated:

- There was “Very little significant new intelligence on [Iraq’s] WMD capabilities” since September 2002, “although continue to see planning for its use”.
- The focus on UN inspections “may have limited activity in some areas such as missile development”.
- The “possibility of ongoing production” of CBW agents could not be ruled out because it was “easily concealed especially in the case of BW agents using transportable biological production facilities”.
- Intelligence indicated that Iraq had “produced both chemical and biological agents since 1998 to add to stocks since the [1991] Gulf War. As late as September 2002 Iraq was carrying out illegitimate work on anthrax that could be used as part of a weapons programme.”

362. The brief recognised that not all the systems which were capable of delivering chemical and biological weapons would have such munitions or a CBW delivery role. Intelligence suggested that Iraq might “not be able to deliver CBW efficiently” using Al Samoud and Ababil-100 missiles.

363. Addressing Iraq’s declaration in response to resolution 1441, the brief rehearsed the outstanding issues identified by UNSCOM in 1999 and added references to Iraq’s:

- understatement in the declaration of the quantity of Volga engines which had been procured;
- lack of any reference to the engine test stand at al-Rafah; and
- “misrepresentation of the status and performance of the L-29 programme”.

364. Addressing Iraq’s concealment and deception activities, the briefing for the Cabinet stated that “Iraq was confident in its ability to prevent inspectors finding any ‘smoking gun’”.

365. The briefing for Mr Anderson and Mr George had stated that “Iraq was confident that inspections would not find” any “smoking gun”.

366. The brief did not refer to the fact that although the inspectors had found material that had been procured illicitly, some of it related to permitted programmes including missiles with ranges less than 150km.

367. Mr Robin Cook, the Foreign Secretary from May 1997 to June 2001 and then Leader of the House of Commons, recorded that he had concluded Iraq did not have weapons of mass destruction in the sense of weapons that could be used against large-scale civilian targets.

368. Mr Scarlett reported that Mr Cook had asked a number of questions during his briefing on 20 February, including:

- The “threat posed by battlefield CBW as opposed to missiles capable of hitting civilian targets (e.g. cities) in foreign countries”.
- Iraq’s “weaponisation capabilities”.
- “Had containment worked?”
- “Had Iraq’s WMD programmes had developed since 1998?”¹³⁸

369. Mr Scarlett added that he had:

“... made clear that Iraq had a range of battlefield systems capable of delivering CBW. We assessed that Saddam was ready to use them, including against his civilian population. Iraq might not have succeeded in developing CBW capable warheads for the 150km ‘permitted’ missiles. We assessed that Iraq could deliver CBW with the 650km missiles it retained; if only one of these hit home in favourable conditions on an Israeli city (I might also have mentioned Kuwait), civilian casualties would be large. I also made clear that Iraq’s programmes had not stood still since 1998 and had developed in all areas except perhaps the nuclear, where I reminded him of what was in the public assessment.”

370. Mr Cook wrote that the briefing from Mr Scarlett had lasted an hour, and “was impressive in its integrity and shorn of the political slant with which No.10 encumbers any intelligence assessment”.¹³⁹ Mr Cook had concluded, “Saddam probably does not have weapons of mass destruction in the sense of weapons that could be used against large-scale civilian targets”.

371. Asked if Mr Cook had challenged the briefing, Sir John Scarlett told the Inquiry:

“... he questioned me very closely on the assessment ... He asked for more detail than other Ministers did ... he was an especially experienced Minister when it came to the use of intelligence. He didn’t dispute what I was saying ... Where he ... took a different view was on how he interpreted it ...”¹⁴⁰

¹³⁸ Minute Scarlett to Powell, 18 June 2003, ‘Iraq/FAC: Robin Cook’.

¹³⁹ Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.

¹⁴⁰ Private hearing, 5 May 2010, pages 83-84.

372. Sir John told the Inquiry that the briefing for Cabinet members was designed to cover:

“... the current assessment of CBW capabilities and delivery systems; the reaction on the regime’s part to the prospect of military action, and their behaviour and reaction to the presence of inspectors; the response to 1441 and the Assessment we made of the declaration in December; the activity on the concealment side; the problem with interviews of scientists and so on; Saddam’s military options, including for the use of CBW; the aspects relating to international terrorism; the impact on the terrorist threat internationally, but also there was mention of what the Assessments were saying about the presence of extremists inside Iraq at the time.”¹⁴¹

373. Asked if any of the briefing included material that was not included in current JIC Assessments, Sir John replied:

“No, I was sticking to the regular briefing that was being given.”

374. Lord Turnbull, Cabinet Secretary from September 2002 to September 2005, told the Inquiry that he thought the briefings for members of Cabinet in February had influenced their perspective.¹⁴² He stated: “they were all very conditioned by the intelligence presentation”.

375. A full list of the Iraq briefings provided by Mr Scarlett to Cabinet and senior Parliamentarians was published by the ISC in September 2003.¹⁴³

Would Iraq use chemical and biological weapons?

376. The JIC judged on 19 February that southern Iraq was “the most likely area for the first use of CBW against both Coalition Forces and the local population”.

377. In its discussion of the draft JIC Assessment of 19 February 2003, the JIC concluded that Saddam Hussein was “likely to use CBW first in southern Iraq, if anywhere”.¹⁴⁴ The implications needed further discussion, in the final Assessment, “to bring out the scale of the potential humanitarian crisis”, which would, in the initial period, need to be dealt with by Coalition troops.

378. The relevant Key Judgement stated:

“Southern Iraq is the most likely area for the first use of CBW against both Coalition Forces and the local population.”

¹⁴¹ Private hearing, 5 May 2010, pages 81-82.

¹⁴² Public hearing, 13 January 2010, page 60.

¹⁴³ Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 143.

¹⁴⁴ Minutes, 19 February 2003, JIC meeting.

379. The JIC Assessment stated:

“The relative weakness of Iraqi forces in the South and the fact that those forces will face the brunt of a Coalition attack mean **southern Iraq is the most likely area for the first use of CBW against both Coalition Forces and the local population.**”¹⁴⁵

380. The Assessment added that one report from August 2002 had indicated:

“... Iraqi plans to use CBW in southern Iraq to cause mass casualties among the Shia in the event of a US-led attack. The regime would seek to pin the blame for the resulting high-level of casualties on the Coalition.”

381. Responding to a series of questions from Mr Blair (see Section 6.2), the MOD advised on 24 February that Iraq retained “the capability (through a variety of means) pre-emptively to deliver CBW against Coalition Forces in Kuwait. The question is one of intent.”¹⁴⁶ There was “no intelligence” to indicate that the regime was “currently planning a pre-emptive strike”. In the MOD view that was “highly unlikely whilst Saddam believes war can be averted”. If he was convinced that war was “inevitable and imminent” that “might make a pre-emptive move more attractive” but it was “more likely that Saddam would deploy CBW after the onset of the campaign”.

382. In its Assessment, ‘Iraq: Prospects in the North’, of how Iraq would respond in northern Iraq to a coalition attack, issued on 26 February, the JIC judged:

“The Iraqi regime would be willing to use CBW against the Coalition and the Kurds.”¹⁴⁷

383. The Assessment made clear that that judgement was a continuation from earlier Assessments.

384. In its Note, ‘Saddam’s Plan for Baghdad’ issued on 13 March, the JIC stated that it had “previously judged that Saddam would be willing to use chemical and biological warfare (CBW) against the Coalition and the Iraqi population”.¹⁴⁸

385. The JIC assessed that it was “likely that, even if it had not done so already, the regime would use CBW in the defence of Baghdad if it could”. That “would depend on the survival of leadership command and control, and of some delivery means, such as artillery”. Intelligence indicated that the Special Republican Guard and Special Security Organisation retained “control over CBW munitions” and that the regime had “been distributing protective CBW clothing and medical supplies for treating exposure to nerve agents to units around Baghdad”.

¹⁴⁵ JIC Assessment, 19 February 2003, ‘Southern Iraq: What’s In Store?’

¹⁴⁶ Letter Watkins to Rycroft, 24 February 2003, ‘Iraq: Political and Military Questions’.

¹⁴⁷ JIC Assessment, 26 February 2003, ‘Iraq: Prospects in the North’.

¹⁴⁸ Note JIC, 13 March 2003, ‘Saddam’s Plan for Baghdad’.

Presentation of the UK position

386. The UK's intensive lobbying to secure support in the Security Council for a second resolution on Iraq is described in Sections 3.7 and 3.8. It included a series of visits to the capitals of many members of the Council.

387. Mr Miller informed Sir David Manning that a script was being prepared which would:

“... briefly summarise evidence and judgements on Saddam's WMD; describe the effect of some of the agents; set out the Iraqi response to UNSCR 1441, including the flaws in the 7 December declaration; and cover what we know of concealment, intimidation of witnesses and other aspects of non-co-operation. It will also provide supporting material on Saddam's regime and – briefly – on links with terrorism. We will update the pack as new material becomes available.”¹⁴⁹

388. On 26 February, Mr Miller provided a brief for Sir Jeremy Greenstock to use in Security Council discussions, setting out the UK assessment of Iraq's WMD and its response to resolution 1441.¹⁵⁰

389. The brief provided a very short summary of the judgements in the September dossier, including that there had been recent production of chemical and biological agents; that judgements on concealment had been borne out by events; that the dossier had highlighted rocket motor casting chambers which UNMOVIC had now proscribed; and that UNMOVIC had agreed that the al-Rafah engine test stand had “a capability far in excess of what is needed for permitted missile systems”. The brief also stated that work on anthrax “carried on late into 2002”.

390. In relation to Iraq's response to resolution 1441, the brief stated:

“Saddam's behaviour since the middle of last year has been very instructive. We have been watching closely as the story unfolds. What follows is not supposition. It is what we know.”

391. The points made in the briefing included:

- In April 2002, Qusay Hussein had issued instructions for the concealment of chemical warfare agents.
- In August 2002, “individual scientists and officials were made personally responsible for the items on which they were working, holding them in their homes and the homes of relatives and friends”.
- By 20 November, all production work on banned weapons at Military Industrialisation Commission sites had been stopped and evidence of prohibited activity was being cleaned up.

¹⁴⁹ Minute Miller to Manning, 21 February 2003, ‘Iraq: Briefing Foreign Government’.

¹⁵⁰ Letter Miller to Greenstock, 26 February 2003, ‘Iraq: WMD Brief’.

- Proscribed materials were concealed “at innocuous sites such as hospitals”.
- “Some materials, such as missiles, have been and remain on trucks that are continually on the move.”
- “By the end of December Saddam was confident that this concealment strategy would work at least until the spring when military options might become more difficult – the aim was to buy time.”
- Following the discovery of nuclear-related documentation at a scientist’s home on 16 January 2003, orders were given to remove hidden items from scientists’ homes.
- When inspectors arrived at a hospital at al-Kut in search of hidden weapons in January, they were “confronted by an orchestrated crowd, whose aim was to prevent a full inspection of the area”.
- Many proscribed materials were “now being moved daily”.
- Iraq continued to ensure, mainly through a policy of intimidation and monitoring, that the inspectors were not able to interview who they wanted.

392. The brief concluded:

“Iraq will continue ostensible co-operation ... and seek support in the UNSC to avert a war while continuing an active policy of concealment ...

“And as part of that, and despite current protestations, we know that Saddam is likely to agree to the destruction of all Al Samoud 2 missiles ...”

393. Sir Jeremy reported that he had used the points provided by the Assessments Staff during “informal consultations” on 27 February, including Iraq’s:

“... capacity to produce chemical and biological weapons; its delivery mechanisms; the efforts the regime had taken to conceal WMD; the fact that the regime had considered whether to declare some weapons but concluded it was too risky; plans to obstruct ... [the inspectors] if they got too close; and the intimidation to prevent private interviews which Iraq saw as the weak link that could expose their WMD.”¹⁵¹

394. In addition, Sir Jeremy stated that “UNMOVIC had been tagging proscribed equipment that had been repaired by the Iraqis”.

395. In meetings with President Vicente Fox, the Mexican President, and President Ricardo Lagos, the Chilean President, Mr Scarlett emphasised his confidence in the strength, consistency and reliability of both the UK’s intelligence and the judgements it had reached.

¹⁵¹ Telegram 318 UKMIS New York to FCO London, 28 February 2003, ‘Iraq: 27 February Consultations and Missiles’.

396. Sir David Manning and Mr Scarlett went to Mexico and Chile on 1 and 2 March to explain the UK's position to President Fox and President Lagos, and to seek their support for the UK's proposals for the Security Council.¹⁵²

397. Mr Scarlett was reported to have told President Fox that the UK had developed:

“... a range of sources, some inside Iraq, that had proven reliability. We had built up a consistent picture in which we had confidence. Our allies, including Europeans, had no serious differences of substance with us ...

“While we believed that UNSCOM had been able to disarticulate Iraq's nuclear programme it had not been able to account for a wide range of chemical and biological materials – we were particularly worried about VX and anthrax. Even conservative estimates of material Iraq still held indicated the capacity to assemble thousands of WMD artillery shells. Since 1998 Iraq had continued to produce new agents, develop its missile capability and, with less success, reconstitute its nuclear programme.

“In 2002 a conscious decision was taken to deny possession of WMD to frustrate a renewed and strengthened inspection programme. We had watched a policy of concealment and intimidation develop. Evidence had been dispersed, factories cleaned up and scientists cowed.

“... Some UNMOVIC successes in January resulted in further efforts to hide evidence and deceive inspectors. Continued small successes forced Iraq to move to a policy of slow, small concessions to give the impression of movement (eg on missiles). For the UK, the litmus test would be interviews with scientists. Iraq realised their knowledge was their Achilles heel, hence the intimidation.”

398. In the subsequent meeting with President Lagos, Mr Scarlett was reported to have described the intelligence assessment and, in response to a specific question, informed President Lagos that “although there were some differences of detail e.g. over the degree to which Saddam could weaponise, the French assessment was similar” to the UK's.¹⁵³

The position in March

The IAEA position on Iraq's nuclear programme

399. The FCO advised No.10 on 4 March that the UK Mission in Vienna had confirmed that the IAEA was on the verge of closing the file on nuclear issues in Iraq, despite

¹⁵² Telegram 1 Mexico City to Cabinet Office, 1 March 2003, 'Iraq: Mexico'.

¹⁵³ Telegram 34 Santiago to FCO London, 2 March 2003, 'Chile/Iraq: Visit by Manning and Scarlett'.

information from the UK that had “still not been followed up”.¹⁵⁴ The IAEA had apparently concluded that:

- There was “no significant evidence that Iraq had attempted to procure uranium from Niger”. The documents the IAEA had seen “that formed the basis of such an allegation appeared to be forgeries”.
- Aluminium tubes, “although imported illegally”, were not connected with a gas centrifuge programme. Iraq had “satisfactorily explained the use of the tubes, and the reasons for their various fine tolerances”. The Iraqis “were no longer (if ever) in a position to manufacture a gas centrifuge, especially without foreign assistance”.
- There was “no evidence to link the magnets with a covert nuclear programme”; the IAEA had found the part in the guidance system of a missile.
- The IAEA had evidence that a significant amount of the “missing 32 tonnes of HMX (a high explosive used to help trigger nuclear fission)”, had been used for commercial purposes, “as the Iraqis had claimed”.

UK assessments of Iraq’s intentions

400. In evidence to the FAC on 4 March, Mr Straw emphasised Iraq’s attempts to conceal its capabilities and deceive the inspectors.

401. Mr Straw gave evidence to the FAC on 4 March (see Section 3.7).¹⁵⁵

402. In his opening statement, Mr Straw said that it was assessed that Iraq had the capability to produce a range of chemical and biological agents, and:

“The Iraqi regime has put up an elaborate screen of concealment based on intimidation and deception to cover this capability ... [W]e know that sensitive materials and documents have been hidden in the homes of employees and hidden too in hospitals, farms and other sites. Intelligence also suggests that WMD-related items may have been buried and others were being kept on the move every 12 hours using trucks and trains. Throughout the period of inspection Iraq’s security and intelligence agencies have been monitoring UNMOVIC and the IAEA and plans are available to obstruct them if they come close to WMD itself ... Iraq is particularly concerned about ... interviews of scientists and others because if they were carried out as mandated by [resolution] 1441 they would unquestionably expose the regime’s deception and its stockpile of weapons ... In early December we know that Saddam Hussein issued instructions that scientists were to be threatened with serious consequences for themselves and their families if they revealed any sensitive information to UNMOVIC. They were ordered not to agree to any interviews taking place outside Iraq ... The potential witnesses have been

¹⁵⁴ Letter Owen to Rycroft, 4 March 2003, ‘Iraq Weapons Inspections: IAEA Line on 7 March’.

¹⁵⁵ Minutes, Foreign Affairs Committee (House of Commons), 4 March 2003, [Evidence Session].

coached in the answers they have to give. Some of them have been removed from their homes and places of work and detained to prevent them from being interviewed.”

403. An assessment of Iraq’s intentions on 6 March concluded that the strategy was to play for time, and that Iraq thought the strategy was working.

404. The Assessments Staff was “confident” that Saddam Hussein’s aim would be the eventual re-creation of his WMD capability.

405. Mr Miller provided an assessment of “Saddam’s possible next moves” for Sir David Manning on 6 March.¹⁵⁶ The document was also sent to officials in the FCO, the MOD and the Cabinet Office.

406. Mr Miller described Saddam Hussein’s strategy as “to play for time, gradually releasing limited information on Iraq’s terms or when there is no other option”. Iraq thought its strategy was working. Mr Miller stated: “Even if he [Saddam Hussein] does opt for a declaration of WMD, we are confident that his aim would be the eventual recreation of his capability.”

407. Mr Miller advised that the decision to destroy the Al Samoud 2 missile was “indicative of Saddam’s strategy: a drawn out debate with UNMOVIC over legality; an offer to form a ‘technical committee’ to review the weapon; compliance; and an attempt to portray compliance as a major concession”. Mr Miller predicted that Iraq would “draw out the destruction process”, which might take “as long as two months to complete”.

408. Mr Miller concluded:

“In short, we have seen no indication that there will be a change in Iraq’s strategy ... Iraq will continue to put the onus on the inspectors to set out what they want rather than pro-actively provide information ... Saddam will be prepared to offer further concessions – or at least to say he is ready to. But based on current behaviour any information will be incomplete, will be difficult to interpret and will not represent a full declaration of Iraq’s capability. On overseas interviews and any proposal for a substantial UN military force, agreement is likely only in the face of imminent military action.”

Security Council, 7 March 2003

409. In his report to the Security Council on 7 March, Dr Blix stated that there had been an acceleration of initiatives from Iraq since the end of January, but they could not be said to constitute immediate co-operation. Nor did they necessarily cover all areas of relevance; but they were nevertheless welcome.

410. Dr Blix and Dr ElBaradei’s presentations to the Security Council on 7 March, and the subsequent discussion, are described in detail in Section 3.7.

¹⁵⁶ Minute Miller to Manning, 6 March 2003, ‘Iraq: Potential Compliance with UNMOVIC’.

411. Introducing UNMOVIC's 12th quarterly report of activity to 28 February 2003, Dr Blix stated that, when the quarterly report had been finalised, there had still been "relatively little tangible progress to note" and the report had been "cautious".¹⁵⁷ By 7 March, there had been a number of relevant events on which he would bring the Council up to date

412. Dr Blix stated that inspections had begun on 27 November 2002, and "faced relatively few difficulties". While there were "frictions", "at this juncture", UNMOVIC was "able to perform professional no-notice inspections all over Iraq and to increase aerial surveillance" and its capabilities were being increased.

413. Iraq seemed "to have encouraged interviewees not to request the presence of Iraq officials ... or the taping of interviews" but "conditions ensuring the absence of undue influence were difficult to attain inside Iraq. Interviews outside Iraq might provide such assurance. It is our intention to request such interviews shortly." Thirty-eight individuals had been asked for interviews and 10 had accepted UNMOVIC's terms, seven during the last week.

414. Iraq had denied the existence of mobile production units for biological weapons and that proscribed activities were being conducted underground. Inspections had taken place at declared and undeclared sites but no evidence of proscribed activities had "so far been found". Iraq was "expected to assist in the development of credible ways to conduct random checks of ground transportation".

415. Inspectors were examining Iraq's programmes for RPVs and data was being collected to assess the range and other capabilities of the models found.

416. In relation to "reports of proscribed activity conducted underground", which Iraq had denied, Dr Blix stated that "no facilities for chemical or biological production or storage have been found so far". Iraq should provide information on any underground facilities that were suitable for the production or storage of weapons of mass destruction.

417. Dr Blix stressed the importance of Iraq's acceptance of the destruction of Al Samoud 2 missiles and associated items, which constituted a "substantial measure of disarmament ... the first since the middle 1990s".

418. Other points covered by Dr Blix included:

- UNMOVIC was reviewing the legality of the Al Fatah missile.
- Papers on anthrax, VX and missiles had recently been provided. Many re-stated what Iraq had already declared, but some required further study and discussion.
- There was "a significant Iraqi effort under way to clarify a major source of uncertainty" about the "quantities of biological and chemical weapons" that had been "unilaterally destroyed in 1991", by excavating a site that was formerly

¹⁵⁷ UN Security Council, '4714th Meeting Friday 7 March 2003' (S/PV.4714).

“deemed too dangerous”. Eight intact bombs had been unearthed, two of which had a “liquid fill”. That “should be followed by a serious and credible effort to determine” how many R-400 bombs had been produced.

- Iraq had informed UNMOVIC that there would be further legislation on prohibiting work on weapons of mass destruction.

419. Dr ElBaradei reported that there were no indications that Iraq had resumed nuclear activities since the inspectors left in December 1998 and the recently increased level of Iraqi co-operation should allow the IAEA to provide the Security Council with an assessment of Iraq’s nuclear capabilities in the near future.

420. Dr ElBaradei reported that the IAEA was focused on the “central question” of “whether Iraq has revived, or attempted to revive, its defunct nuclear weapons programme over the last four years”.¹⁵⁸ Dr ElBaradei noted that:

“... in the past three weeks, possibly as a result of ever-increasing pressure by the international community, Iraq has been forthcoming in its co-operation, particularly with regard to the conduct of private interviews and in making available evidence that could contribute to the resolution of matters of IAEA concern.”

421. That “should enable” the IAEA “in the very near future to provide the Security Council with an objective and thorough assessment of Iraq’s nuclear-related capabilities”.

422. Iraq’s industrial capacity had deteriorated sharply, including through the departure of foreign support present in the 1980s and large numbers of skilled Iraqi personnel in the preceding decade.

423. Interviews were continuing, including two “private interviews in the last 10 days”. Interviews outside Iraq might be the best way to ensure that interviews were “free”, and the IAEA intended to request such interviews “shortly”.

424. The primary technical focus of the IAEA in the field had been on the possible resumption of Iraq’s efforts to enrich uranium. In relation to the three key issues, the IAEA had:

- Failed to uncover any evidence that Iraq’s attempts to purchase high strength aluminium tubes was for “any project other than ... rockets”. The documents provided and interviews had allowed the IAEA “to develop a coherent picture of attempted purchases and intended usage”.
- Verified that none of the magnets Iraq had declared could be used directly for the magnetic bearings in centrifuges. It was likely that Iraq possessed the expertise to manufacture such magnets and the IAEA would continue to monitor and inspect equipment and materials.

¹⁵⁸ UN Security Council, ‘4714th Meeting Friday 7 March 2003’ (S/PV.4714).

- Stated that documents relating to the reports of possible acquisition of uranium from Niger were not authentic, but the IAEA would continue to follow up any additional evidence.

425. Dr ElBaradei concluded that there was no indication:

- “of resumed nuclear activities” in buildings identified as new or reconstructed since 1998;
- “of nuclear-related prohibited activities at any inspected sites”;
- “that Iraq has attempted to import uranium since 1990”;
- “that Iraq has attempted to import aluminium tubes for use in centrifuge enrichment”; or
- “to date that Iraq imported magnets to use in a centrifuge enrichment programme”.

426. Dr ElBaradei stated that Iraq’s procurement efforts, including those in relation to magnets and aluminium tubes, had been conducted “in contravention of the sanctions controls” imposed by the Security Council. The IAEA would continue to scrutinise and investigate those issues and hoped “to continue to receive from States actionable information relevant to our mandate”.

427. Mr Aldouri emphasised that Iraq had taken the strategic decision to disarm in 1991.

428. Mr Aldouri underlined Iraq’s “pledge to continue pro-active co-operation” with UNMOVIC and the IAEA. He also stated that Iraq had taken “the strategic decision to rid itself of weapons of mass destruction” in 1991. He added:

“All weapons that have been proscribed fall into one of two categories: they have been either declared or unilaterally destroyed by Iraq. All the declarations that Iraq has been repeatedly asked to present concerned the details and verification of that unilateral destruction and nothing ... else. It is for the accusers to prove otherwise, if they possess any evidence.”

429. Mr Aldouri stated that Iraq had no VX programme.

430. Mr Aldouri stated that the issues of concern identified by the US and UK were “an attempt to confuse the issue” and mask their real agenda to take over Iraq’s oil and the political and economic domination of the region. Iraq continued to hope for justice from the Security Council and called on the Council to thwart aggression and prevent “a crime whose impact would far surpass that of any crime of the past century”. He concluded:

“... war against Iraq will wreak destruction, but it will not unearth any weapons of mass destruction, for one very simple reason: there are no such weapons, except in the imagination of some ...”

431. In subsequent informal consultations, Sir Jeremy Greenstock stated that the UK was sure Iraq had WMD, but they could not be located because they had been hidden by Iraq.

432. The Council meeting was followed by “a long session of informal consultations”.¹⁵⁹

433. The points made by Sir Jeremy Greenstock included:

- There was “no real evidence of non-compliance on the nuclear weapons file”.
- The “key question” was whether Iraq had WMD: “The UK was sure they did. But the WMD could not be located because Iraq had hidden them, and they would not be found without unconditional and immediate Iraqi co-operation.”
- The US and the UK “had invested time and money in finding out the truth. So we knew that WMD were being moved every 12 hours; that mobile weapons facilities existed; and that documents and materials were being moved around.”

434. Dr Blix was reported to have stated:

- Iraqi co-operation “sometimes seemed grudging”, but “only if UNMOVIC found that Iraq was concealing things could one say that there was a real lack of co-operation”.
- With the Al Samoud missiles and UAVs, Iraq was “trying to push to the boundaries of what was permissible”. On the former, Iraq had arguably “trespassed over the border”; the resolution did not prohibit UAVs, but they were “on the border of what was allowed”. UNMOVIC was “still investigating”.
- Iraq “seemed to be trying to find ways of assisting UNMOVIC” on mobile BW facilities.

Security Council open debate, 11 and 12 March 2003

435. Iraq continued to refute US and UK statements about its capabilities and intent.

436. Following a meeting with Dr Blix late on 9 March, Sir Jeremy Greenstock reported that Dr Blix had reminded him “that UNMOVIC still lacked clear evidence that Iraq possessed any WMD at all”.¹⁶⁰

437. At the request of Malaysia representing the NAM, the Security Council held an open debate on the “situation between Iraq and Kuwait” on 11 and 12 March (see Section 3.8).¹⁶¹

¹⁵⁹ Telegram 388 UKMIS New York to FCO London, 8 March 2003, ‘Iraq: 7 March 2003: Informal Consultations’.

¹⁶⁰ Telegram 391 UKMIS New York to FCO London, 10 March 2003, ‘Iraq: Second Resolution’.

¹⁶¹ UN Security Council, ‘4717th Meeting Tuesday 11 March 2003’ (S/PV.4717).

438. The points made by Mr Aldouri, who spoke at the beginning and end of the debate, included:

- The US and the UK had propagated “falsehoods and untrue allegations” about “Iraq’s compliance and implementation of the relevant Security Council resolutions”.
- Ninety-five percent of the disarmament tasks had been completed between 1991 and 1994.
- Iraq had recently unilaterally declared its missile programme and was destroying the Al Samoud 2 missiles which UNMOVIC had deemed to be proscribed.
- None of the “allegations” presented to the Council by Secretary Powell on 5 February had “proved to be true”.
- The most recent “intelligence report produced by the UK [the No.10 dossier]”, contained previously published information.
- Recent allegations about RPVs were unfounded. They were small experimental aircraft which had been examined by the inspectors.

439. In both his opening and closing statements, Mr Aldouri repeated that Iraq had “taken the strategic decision” to rid itself of weapons of mass destruction.

No.10 advice to Mr Blair

440. In response to his requests, Mr Blair was given several notes on 15 and 16 March about Iraq’s WMD and the activities of the inspectors since 1991.

441. They comprised a series of statements setting out past problems without any caveats about how they should be interpreted in relation to Iraq’s current capabilities and intent.

442. A note on the subjects covered by UNMOVIC’s “clusters” report listed the unresolved issues, commenting: “**There are therefore questions to which UNMOVIC has been unable to obtain answers in every one of the following 29 areas.**”¹⁶²

443. A note on the types of CBW produced by Iraq, drawing on open sources whose accuracy had been endorsed by Porton Down,¹⁶³ graphically described the toxicity and effects of various agents, together with a comment on Iraq’s capability taken from the UNMOVIC “clusters” report.¹⁶⁴

444. A note on UNMOVIC activities between 1998 and 2002 advised Mr Blair that Iraq maintained that “no proscribed activities took place in that period” and had made no

¹⁶² Minute Cannon to Prime Minister, 15 March 2003, ‘Iraq: Blix “Clusters” Report’.

¹⁶³ The headquarters for the Defence Science and Technology Laboratory.

¹⁶⁴ Minute Cannon to Prime Minister, 15 March 2003, ‘Iraq: Chemical and Biological Weapons’.

declarations. In the absence of site inspections, UNMOVIC had “relied on intelligence material supplied by Member States”. Areas of activity reported to UNMOVIC included:

- “mobile BW agent production facilities”;
- “underground facilities for research and production of CBW”;
- “development of Unmanned Aerial Vehicles (UAVs), including those fitted with sprays for BW agents”; and
- “movements of proscribed materials and documents”.

445. UNMOVIC had “reported a ‘surge of activity’ in the missile technology field over the period”.¹⁶⁵

446. A note setting out Iraqi tactics in dealing with UN weapons inspectors rehearsed problems encountered between 1991 and 1998 and concluded that:

“Iraq’s approach to the UN has therefore consisted of:

- concealment and destruction of evidence
- commitment to co-operate alternating with harassment of inspectors
- as new facts become available to UNSCOM, Iraq changes its story to incorporate those facts. There is no genuine effort at openness or honesty.

“The Blix ‘clusters’ paper underlines the inspectors’ very limited information on the details of, for example, Iraq’s BW programme. This is after 12 years of operations and five purportedly full, final and complete declarations by the Iraqis.”¹⁶⁶

Mr Cook’s resignation statement, 17 March 2003

447. In his resignation statement of 17 March, Mr Cook set out his doubts about the degree to which Saddam Hussein posed a “clear and present danger”.

448. In his statement to the House of Commons on the evening of 17 March, Mr Cook set out the reasons why he could not “support a war without international agreement or domestic support” and why, in order to vote against military action in the House of Commons the following day, he had resigned from the Government (see Section 3.8).¹⁶⁷

449. Mr Cook continued:

“Nor is it fair to accuse those of us who want longer for inspections of not having an alternative strategy ... Over the past decade that strategy [of containment] had destroyed more weapons than in the Gulf War, dismantled Iraq’s nuclear weapons programme and halted Saddam’s medium and long range missile programmes.”

¹⁶⁵ Minute Cannon to Prime Minister, 15 March 2003, ‘Iraq: UNMOVIC Operations, 1998-2002’.

¹⁶⁶ Minute Cannon to Prime Minister, 16 March 2003, ‘Iraq: Iraqi Approach to UNSCOM/UNMOVIC’.

¹⁶⁷ House of Commons, *Official Report*, 17 March 2003, columns 726-728.

450. Mr Cook stated that Iraq's military strength was now less than half its size in 1991; and, "Ironically", it was "only because Iraq's military forces" were "so weak that we can even contemplate its invasion". He questioned the threat posed by Iraq:

"Iraq probably has no weapons of mass destruction in the commonly understood sense of the term – namely a credible device capable of being delivered against a strategic city target. It probably ... has biological toxins and battlefield chemical munitions, but it has had them since the 1980s when US companies sold Saddam anthrax agents and the then British government approved chemical and munitions factories. Why is it now so urgent that we should take military action to disarm a military capacity that has been there for twenty years, and which we helped to create? Why is it necessary to resort to war this week, while Saddam's ambition to complete his weapons programme is blocked by the presence of UN inspectors?"

451. The questions about Iraq's capabilities asked by Mr Cook in response to the briefing he had been given by Mr Scarlett on 20 February are set out earlier in this Section.

Mr Scarlett's advice, 17 March 2003

452. On 17 March, Mr Scarlett addressed the different elements of Iraq's capability, including Iraq's actions since the departure of the inspectors in 1998 to pursue chemical and biological weapons programmes, and Iraq's activities to pursue enhanced ballistic missiles and other means to deliver them.

453. In relation to Iraq's chemical and biological weapons capability, Mr Scarlett concluded that the JIC view was clear: Iraq possessed chemical and biological weapons, the means to deliver them, and the capacity to produce them.

454. Mr Scarlett attributed the failure to find any significant evidence of chemical and biological weapons to Iraq's ability to conceal its activities and deceive the inspectors.

455. On 17 March, in response to a request from Sir David Manning, Mr Scarlett provided advice on "the strength of evidence showing Saddam's possession of WMD".¹⁶⁸

456. Mr Scarlett wrote:

"The starting point is our knowledge of Iraq's past WMD programmes. This demonstrates not only large-scale possession of these weapons, and the readiness to use them, but also Saddam's determination to retain WMD in the face of military defeat in 1991 and the subsequent UN inspections. You will recall that much of his BW programme came to light only in 1995, following Kamil's [Saddam Hussein's son-in-law] defection. And as UNSCOM demonstrated in 1999, there has never been a full and convincing account of the destruction of Iraq's capabilities."

¹⁶⁸ Minute Scarlett to Manning, 17 March 2003, 'Iraqi WMD: Evidence of Possession'.

457. Mr Scarlett pointed out that:

“Evidence of past possession is not, of course, enough. Indeed it could itself engender rumour and speculation in Iraq that might be fed back to us as fact. (Some opposition and defector material may be suspect on these grounds.)”

458. Referring to the Government’s assessment of Iraq’s WMD published on 24 September 2002, Mr Scarlett wrote: “our judgement ... draws on a range of well-sourced intelligence” falling under three main headings:

- “• **SIGINT** [signals intelligence] has provided extensive material relating to procurement activities particularly in the missile and UAV field. Some of this has led to a number of interdictions of missile material. Procurement of dual-use items that could be related to CBW and nuclear programmes has also been noted.
- **Imagery** has also provided useful material in relation to the extensive reconstruction of the Iraq’s [sic] missile infrastructure, such as the identification of the al-Rafah Test Stand and the al-Mamoun solid fuel facility. Because many chemical and biological facilities are dual-use, it is difficult for imagery to provide proof of the existence of a CBW programme. For this reason we have not relied on imagery in supporting our case that Iraq has a CBW programme.
- **HUMINT** [human intelligence] has provided clear and consistent reporting relating to Iraq’s continuing WMD programmes ...”

459. Mr Scarlett added that HUMINT came “from a variety of sources”:

- “• SIS have a number of well placed and reliable sources [...] [with high-level access in Iraq] and have been able to report on the regime’s WMD policy, its plans for use and its extensive concealment efforts. SIS also have a number of sources who report from closer to the programmes.
- Some of these have provided a consistent picture of Iraq’s missile programme (including extension of Al Samoud and the existence of Al Husseins).
- Intelligence on CBW programmes has been less complete but indicates continued production of CBW agents after UNSCOM’s departure.
- CIA and other foreign intelligence agencies (the mobile BW production laboratories originated from [...]).
- DIS ... reporting, relating to Iraq’s long range missile programme.”

460. Mr Scarlett wrote that Sir David Manning was “familiar with the main conclusions from intelligence”.

461. Addressing Saddam Hussein’s behaviour, Mr Scarlett wrote:

“The picture from past possession and from intelligence is further reinforced by Saddam’s current behaviour. He has been given clear opportunities to avoid

military action by demonstrating full and active co-operation with UNMOVIC. But he has repeatedly failed to take this route. Leaving aside the intelligence on his concealment tactics, his actions since the adoption of UNSCR 1441 are strongly indicative of deceit. They include:

- failure to volunteer scientists for interview outside Iraq;
- illicit procurement, and subsequent concealment, of Volga engines;
- failure to declare reconstructed facilities (including the rocket motor casting chambers) previously disabled by UNSCOM”.

462. In relation to inspections, Mr Scarlett wrote:

“The failure of UNMOVIC to uncover significant chemical or biological weapons has been disappointing. But it is not wholly unexpected. On 16 October last year,¹⁶⁹ the JIC judged that there was a serious risk that Iraq could prevent inspectors from finding conclusive evidence of WMD before the spring, unless there was additional guidance to UNMOVIC. The JIC pointed in particular to the importance of interviews free of Iraqi intimidation: you know the limited progress in this area.”

463. Mr Scarlett concluded:

“The JIC view is clear. Iraq possesses chemical and biological weapons, the means to deliver them and the capacity to produce them. The scale of the holdings is hard to quantify: it is undoubtedly much less than in 1991. But the evidence points both to Saddam’s view that the capability is already militarily significant, and to his determination – left to his own devices – to build it up further.”

464. A reference in paragraph 4 of the minute to the conclusions being “summarised at Annex” was crossed out by Mr Scarlett on the signed version of the minute on the No.10 file.

465. Mr Scarlett sent a copy of the minute to Mr Powell in February 2004 with a manuscript note stating that he had “not yet traced a copy of the Annex”.¹⁷⁰

466. The Government could not find any evidence of an Annex. The Inquiry concludes one was planned but not produced: hence the manuscript amendment removing the reference to the Annex in paragraph 4 of the document.

¹⁶⁹ A version of 11 October 2002 JIC Assessment, ‘Iraq: The Return of Weapons Inspectors’.

¹⁷⁰ Manuscript comment Scarlett to Powell, 2 February [2004], on Minute Scarlett to Manning, 17 March 2003, ‘Iraqi WMD: Evidence of Possession’.

467. Sir David Manning advised Mr Blair:

“I asked that you should have this Summary from the Chairman of JIC before action begins. Worth adding that all political intelligence also points to Saddam and senior officials aware of WMD programmes and determined to retain them.”¹⁷¹

468. Mr Blair replied: “Good.”¹⁷²

469. The advice to No.10 was not formally considered and agreed by the JIC or sent to other Ministers.

470. A draft of the document held by the MOD, also dated 17 March 2003, shows Sir David Omand, Sir Richard Dearlove, Sir Francis Richards (Director, Government Communications Headquarters (GCHQ)) and senior officials in the MOD, the FCO and the Cabinet Office as copy recipients.¹⁷³

471. Mr Hoon quoted from that draft when he told the Inquiry that Mr Scarlett had advised that Iraq had “the capacity to re-establish production” of chemical and biological weapons.¹⁷⁴

472. A manuscript note written by Mr Scarlett in February 2004 stated that the note “was approved by the Agencies and DIS. It was not formally at JIC.”¹⁷⁵

473. The Government has confirmed that there are no additional words on the copy of the minute on the No.10 file.

474. The Inquiry concludes that the advice was not formally approved by the JIC.

475. The Government was unable to find any evidence that the final version of Mr Scarlett’s minute to Sir David Manning was sent to anyone outside No.10.¹⁷⁶

JIC Note, 19 March 2003: ‘Saddam: The Beginning of the End’

476. The JIC continued to assess that Iraq had usable chemical and biological weapons and might use them, although its ability to do so could be limited.

¹⁷¹ Manuscript comment Manning to Prime Minister, 18 March 2003, on Minute Scarlett to Manning, 17 March 2003, ‘Iraqi WMD: Evidence of Possession’.

¹⁷² Manuscript comment Blair, [undated], on Manning to Prime Minister, 18 March 2003, on Minute Scarlett to Manning, 17 March 2003, ‘Iraqi WMD: Evidence of Possession’.

¹⁷³ Minute [unsigned draft] Scarlett to Manning, 17 March 2003, ‘Iraqi WMD: Evidence of Possession’, found on MOD files, with amendments from the Defence Intelligence Staff.

¹⁷⁴ Public hearing, 19 January 2010, page 122.

¹⁷⁵ Manuscript comment Scarlett to Powell, 2 February [2004], on Minute Scarlett to Manning, 17 March 2003, ‘Iraqi WMD: Evidence of Possession’.

¹⁷⁶ Letter Cabinet Office to Iraq Inquiry, 19 March 2014, ‘Declassification’.

477. A JIC Note, ‘Saddam: The Beginning of the End’, which revisited previous JIC judgements in the light of recent events and intelligence, was issued by the Assessments Staff on 19 March after discussion by the JIC earlier that day.¹⁷⁷

478. Addressing the use of chemical and biological weapons, the Note stated that the JIC judged:

- Iraq had “a usable CBW capability, deliverable using artillery, missiles and possibly unmanned aerial vehicles”.
- Iraq’s Al Hussein and shorter-range missiles, “mostly with a range of 150km or less ... may be able to deliver CBW, although intelligence suggests that Iraq might lack warheads capable of the effective dispersal of such agents.”

479. In addition, the Note stated:

- “A report [...] in mid-March indicated that Iraq’s chemical weapons remained disassembled and that Saddam had not yet ordered their assembly.”
- The issue of gas masks and injections for CBW antidotes indicated “Iraqi plans to use CBW”.
- “Intelligence on the timing of CBW use is inconsistent [...]”
- Intelligence on the deployment of CBW was “sparse”.
- “Uncorroborated reporting” suggested the “delivery of CW shells to Republican Guard units ... south of Baghdad”.
- There was “no evidence” that ballistic missiles destroyed by Coalition air action in February “were equipped with CBW warheads”, but the JIC could not be sure that it “would receive indications prior to an attack”.
- Saddam Hussein retained “ultimate control of CBW use”, but there were suggestions that he had “contingency plans to devolve military decision making, including CBW, to regional commands, if communications are cut with Baghdad”.
- Saddam Hussein “might take this decision early, once the severity of the initial attack becomes clear or in the face of Kurdish or Shia uprisings”, although the possibility of Saddam Hussein offering concessions to remain in power “would argue against pre-emptive attacks and devolving control”.
- An “early strategic U-turn, once Saddam realises the intensity of the attack ... and the risk of losing control of his CBW capability” could not be ruled out, and he might “then order early CBW attacks”.
- The JIC continued to judge that “in the face of death and the destruction of his regime”, Saddam Hussein would “try to wreak as much havoc as possible”, but his ability to do so could be limited.

¹⁷⁷ Note JIC, 19 March 2003, ‘Saddam: The Beginning of the End’.

- There was a “further risk ... that CBW could become available to extremist groups either as a last vindictive act by Saddam, or through the loss of control in the final days of his regime”.
- Two recent reports suggested that “some or all” of Iraq’s Al Hussein missiles “were disassembled to hide them from inspectors. It would take Iraq at least several days to reassemble the missiles once they decided to do so.”

480. Sir John Scarlett told the Inquiry that an Intelligence Update produced on 10 March had referred to a report issued on 7 March:

“... essentially saying that Iraq had no missiles which could reach Israel and none which could carry germ or biological weapons.

“The leadership had ordered the dismantlement of the missiles known as Al Hussein ... to avoid discovery and they thought they could be quickly re-assembled. The JIC had over many months throughout this period reported the assessed existence of these missiles ... But all along, it had been reported that they had been disassembled and concealed.

...

“The Defence Intelligence Staff advised ... that ... it might be possible to reassemble [the missiles] in one or two days. But if it was very complex disassembly it would be longer.

“SIS advised that the reference to ‘germ and biological’ might also refer to chemical, just from the context, although that was speculative.”¹⁷⁸

481. Sir John Scarlett also told the Inquiry that, on 17 March:

“... intelligence was received that chemical weapons had been disassembled and dispersed and would be difficult to reassemble. Saddam had not yet ordered reassembly nor, indeed, asked about chemical weapons.”¹⁷⁹

482. Sir John added that the two reports:

“... were assessed in the context of the policy of dispersal and concealment. They were not understood to be an indication that chemical and biological weapons did not exist. Indeed they didn’t say that but ... it was clear ... that they might be difficult to find.

“Previous reporting and updates had already reported separately on the difficulty that Iraq was having or was reported to have in developing or redeveloping chemical warheads for ballistic missiles ... An update at the end of December had noted ...

¹⁷⁸ Public hearing, 8 December 2009, pages 44-45.

¹⁷⁹ Public hearing, 8 December 2009, pages 45-46.

that point, but also noted that the intelligence had said that chemical warheads were still available for short-range artillery, rockets and so on.”

483. Asked whether the JIC had revised its assessment in the light of the reports, Sir John stated:

“... the JIC looked again at the issue and recorded its view in the minute [JIC Note] of 19 March and judged then that Iraq had a usable chemical and biological warfare capability, deliverable by artillery shells and possibly by aerial vehicles. It also said that missiles might be available to deliver CBW, but Iraq might lack the necessary warheads ...”¹⁸⁰

484. Mr Blair told Cabinet on 20 March that Saddam Hussein would, in extremis, probably use chemical and biological weapons, and that it was believed that some were deployed with Iraqi forces.¹⁸¹

485. Mr Scarlett wrote to Mr Powell on 21 March stating that: “in the current crisis, numerous intelligence reports indicate that Saddam Hussein is prepared to use CBW to ensure the survival of the regime, despite the US again having warned of the implications this would have for Iraq.”¹⁸²

Security Council, 19 March 2003

486. In the Security Council discussion on 19 March, Iraq reiterated that it no longer possessed weapons of mass destruction.

487. The Security Council held an open debate on Iraq on 19 March (see Section 3.8).¹⁸³

488. In his statement to the Council, Mr Aldouri expressed his “appreciation” for the efforts made by Council members to find a peaceful solution to the “current crisis”, which had been “created by the United States, the United Kingdom and Spain, with the intention of launching a hostile war against Iraq and occupying it under the pretext of the presence in Iraq of weapons of mass destruction”.

489. Mr Aldouri stated:

“For the record, and for the sake of historical accuracy, as well as to reassure every State that has recently made active efforts to maintain peace and to prevent war, we would like to reiterate that Iraq no longer possesses weapons of mass destruction. The presence of such weapons has been relegated to the past. Iraq decided in 1991 to destroy the weapons it had produced. That action stemmed from the conviction underlying Iraq’s policy to rid itself of such weapons. Proof of this fact lies

¹⁸⁰ Public hearing, 8 December 2009, pages 47–48.

¹⁸¹ Cabinet Conclusions, 20 March 2003.

¹⁸² Minute Scarlett to Powell, 21 March 2003, ‘Iraq: Saddam Hussein in 1991’.

¹⁸³ UN Security Council, ‘4721st Meeting Wednesday 19 March 2003’ (S/PV.4721).

in the failure by the United States and Britain to prove any allegation that Iraq has possessed such weapons in recent years, and especially during the period following the adoption of resolution 1441 (2002)."

490. Mr Aldouri stated that the inspectors had "refuted all the misleading information that was presented" by the US and the UK; and that the inspectors had "proved that information to be false", including the information that Secretary Powell had "worked so arduously to put before the Council as damning evidence". The US and the UK had failed to "provide even a shred of evidence".

491. Mr Aldouri concluded by reaffirming that Iraq would "continue to work with the Security Council to make the truth known" that Iraq was "free of weapons of mass destruction". Iraq hoped that the Council would "continue to search for a peaceful solution to the crisis, ensure that the work of the inspectors continues and resume the Oil-for-Food programme".

492. Sir Jeremy Greenstock reported:

"Even at the precipice of war, Aldouri maintains Iraq has no WMD."¹⁸⁴

Withdrawal of intelligence

493. Three streams of pre-invasion intelligence reporting on Iraq were withdrawn by SIS after the invasion:

- the reports of 11 and 23 September 2002 were withdrawn on 29 July 2003;
- all the reporting from the sourcing chain that had produced the "45 minutes report" was withdrawn on 28 September 2004; and
- all the reporting from Curve Ball, the source who had provided material on the mobile production facilities for chemical and biological weapons, was withdrawn on 29 September 2004.

SIS reporting of 11 and 23 September 2002

494. SIS issued two reports on Iraqi CBW, from a new source on trial, about the production of chemical and biological agents in September 2002.

495. The first report on 11 September stated that:

- Iraq had accelerated the production of chemical and biological agents;
- it had built further facilities throughout Iraq; and
- Saddam Hussein was determined to maintain his CBW capability.

496. SIS also stated that it expected to receive substantial additional material on Iraq's biological and chemical programme through the same source.

¹⁸⁴ Telegram 492 UKMIS New York to FCO London, 20 March 2003, 'Iraq: 19 March Open Debate'.

497. Reflecting concerns about source protection, the report was given a very limited distribution to named senior officials.

498. The report did not make clear that SIS was not itself in contact with the source whom it considered had direct access to Iraq's programmes.

499. The detail of the reporting and Sir Richard Dearlove's description of it in a telephone call to Mr Scarlett on 11 September are set out in Section 4.2.

500. Sir Richard Dearlove briefed Mr Blair on the reporting on 12 September, when he had:

"... underlined ... 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."¹⁸⁵

501. SIS4 suggested that Mr Blair had already known about the intelligence before the meeting between Mr Blair and Sir Richard Dearlove on 12 September, and that he wanted to see the product.¹⁸⁶

502. Sir Richard Dearlove told the Inquiry that "it would have been very rare" for him to have talked to Ministers or Mr Blair "about our source base".¹⁸⁷

503. Asked about Mr Blair's reaction, Sir Richard told the Inquiry that Sir David Manning had asked him to give Mr Blair a briefing "which would give him [Mr Blair] more of a flavour for what was actually going on on the ground".¹⁸⁸ Mr Blair "had an appetite for that sort of briefing which was a pretty rare event", and had had a "fair amount of general discussion" with SIS9 "about the difficulties and problems we were facing".

504. Asked whether he had been precipitate in going to Ministers with the report so quickly, Sir Richard replied:

"I think in the circumstances, I don't agree ... because if you issue a report like that in the middle of a crisis, you're going to get a phone call from a Ministerial office within a short period of time."¹⁸⁹

505. Sir Richard also stated that in the circumstances it would have been "impossible" not to issue the report; SIS could not "sit on something as potentially important" as that.¹⁹⁰

¹⁸⁵ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 578.

¹⁸⁶ Private hearing, Part 1, page 58.

¹⁸⁷ Private hearing, 16 June 2010, page 53.

¹⁸⁸ Private hearing, 13 July 2010, page 33.

¹⁸⁹ Private hearing, 13 July 2010, pages 34-35.

¹⁹⁰ Private hearing, 13 July 2010, page 35.

506. The report of 11 September was used by Mr Scarlett and Mr Miller in reaching key judgements about Iraq's chemical and biological weapons capabilities in the Government dossier published on 24 September.

507. Specifically it provided the assurance for the judgements that Iraq had:

- “continued to produce chemical and biological agents”;
- “military plans for the use of chemical and biological weapons ...”

508. The way in which the reporting was used in the preparation of the dossier and the decision not to show it to the experts in the DIS is addressed in Section 4.2.

509. The judgements in the dossier on Iraq's production of chemical and biological weapons and the circumstances in which they could be used became the baseline for subsequent advice to Ministers and public statements on the threat posed by Iraq.

510. SIS issued a second report from the same sourcing chain as the 11 September report on 23 September.¹⁹¹ That stated VX, sarin and soman had been produced at Al-Yarmuk, and were loaded into a variety of “containers”, including “linked hollow glass spheres”. The source commented that there had been “accelerated production of CW substances at Al-Yarmuk for several years”.

511. SIS described the report as expanding and clarifying the intelligence in the first report, and that it was “valuable intelligence”.

512. The report was sent to the same restricted group as the report on 11 September, with the addition of Mr Mark Bowman, Private Secretary to Mr Gordon Brown, the Chancellor of the Exchequer.

513. The Butler Report stated that SIS had hopes that this source would become a major asset.¹⁹² In particular, the source had indicated to SIS that he would be able to provide substantial and critical additional intelligence in the near future.

514. By December 2002, as set out earlier in this Section, doubts had emerged within SIS about the reliability of the sourcing chain.

515. SIS did not inform No.10 or others that in mid-February 2003 the source had been revealed to have been lying to SIS over a period of time and that it had concluded by early March that there was no further material and that SIS would seek to make direct contact with the sub-source.

516. The reports of 11 and 23 September were reissued to a wider readership on 3 April.

¹⁹¹ Report SIS, 23 September 2002, ‘Iraq Details of CW Production at Al Yarmuk’.

¹⁹² *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 574.

517. A minute of 2 April recorded that a SIS Requirements officer had been telephoned the previous night about the two reports produced in September 2002. Mr Scarlett had asked “about the reliability of the sourcing” and for a copy as he no longer had access to the original copies.¹⁹³

518. The SIS Requirements officer had given “only the briefest details (that we obtained the material via another source, with whom we were no longer in contact, and that we were still trying to contact the original source)”.

519. The SIS Requirements officer also wrote:

“Despite the problems over the ... sourcing chain, there could be some merit in at least widening the extremely limited readership of these two reports. We cannot (yet) discount their content and, topically ... [the report of 11 September] provides useful support for ... [another report]. The case is no longer as sensitive and we could usefully re-circulate the two reports, with some additional commentary.”

520. The SIS Requirements officer provided a draft letter for SIS4 to send to Mr Scarlett.

521. Another SIS Requirements officer commented that there had been “no public use of the material; what it was used for was to give assurance to the assessment in the ‘dossier’ that Iraq continued production of CW after 1998”. The DIS would “welcome” the downgrading of the restricted marking on the reports and it would “need to see these reports whenever a review of the Iraq WMD story is commissioned”.¹⁹⁴

522. SIS4 wrote to Mr Scarlett on 3 April 2003 providing copies of the two reports of 11 and 23 September 2002.¹⁹⁵

523. The letter stated that the reports were “not drawn upon for either the dossier or for the Prime Minister’s subsequent statements. And of course it [the material] post-dated ... [the JIC Assessment of 9 September 2002, ‘Iraqi Use of Chemical and Biological Weapons – Possible Scenarios’].” SIS4 also wrote that Sir Richard Dearlove had briefed Mr Blair:

“... on the background to the case (and on what else we hoped it might deliver) but for speed the reports were issued to other readers without a full briefing. This was to have followed but, as there was no further reporting, we did not bother you with this.”

524. SIS4 added:

“You may therefore wish to know something of the background to the case. The material came from an Iraqi sub-source who was working within the CW programme [via SIS source]. We are still endeavouring to establish direct contact with him [the sub-source]; until we succeed in this we shall not be able to verify fully the details

¹⁹³ Minute SIS Requirements officer, 2 April 2003, ‘JIC Chairman Enquiry: [Codeword] CX’.

¹⁹⁴ SIS record, 2 April 2003.

¹⁹⁵ Letter SIS4 to Scarlett, 3 April 2003, ‘Reporting on CW Production in Iraq’.

given in the intelligence. But despite the later behaviour of our source, we have no reason yet to dismiss this material. There has been collateral for some of it [from other reporting issued on 30 March 2003].”

525. Because source protection was no longer as sensitive, the documents would be reissued “with additional comment and to a wider readership”.

526. A report was issued on 3 April 2003 which was described as “a lightly edited composite of two reports” previously issued in September 2002. The source was described as: “A new source (with whom contact has now ceased) quoting the [sub-source].”¹⁹⁶

527. The 3 April report merged much of the reporting in the reports of 11 and 23 September 2002 and added new comments from SIS. The significant changes were:

- A statement that “capability outstripped personnel able to operate it” was moved to the Summary of the report. That gave it additional prominence in comparison with the original report of 11 September.
- SIS added a comment that this was consistent with a later report from March 2003 about the problems caused by the dispersal of technical experts previously involved in the production of CW.
- Details of spherical glass containers filled with CW agents at the named establishment, which had constituted part of the main body of the second report, were identified as a “source comment” in the 3 April report.
- Additional details were provided substantiating the authenticity of the sub-source’s existence. His previous involvement in CW activities was also emphasised.
- SIS acknowledged that it would not be possible “to verify fully” the details in the report until it had succeeded in gaining direct access to the sub-source, but it had “no reason to dismiss the bulk of this material, for which there has been collateral”.
- However, it drew attention to the fact that the source’s description of the device and its spherical glass contents was “remarkably similar to the fictional chemical weapon portrayed in the film *The Rock*”. It acknowledged that the similarity had been pointed out by one recipient when the report of 23 September was circulated. That significantly changed the context in which the details were subsequently presented in the reissued report.
- There is no evidence that that point was made to the original readers of the reports before they were reissued on 3 April.

¹⁹⁶ Report SIS, 3 April 2003, ‘WMD/Iraq: Production of Chemical and Biological substances in Iraq in 2002’.

- SIS added a comment that the reporting of additional risks being taken to increase production was consistent with UNSCOM's observation on Iraqi working practices and their disregard for safety.
- SIS also added a comment that the reporting of an order to stop production and decontaminate equipment in August 2002 was "unsurprising" as it paralleled the then assumed arrival of UNMOVIC. It added that the current state of the facility "and the material produced prior to August 2002" was "unknown".
- SIS had been unable to identify the "anthrax specialist" mentioned in the original report.

528. The summary of the intelligence produced for dissemination at "Secret" level, including to selected foreign partners, presented the information that the Iraqi regime had "demanded accelerated production of BCW substances" in 2002. In August 2002 an order had been sent to all factories involved in producing BCW instructing them to stop producing prohibited substances.

529. The reissued report was sent to officials in the FCO, the MOD – including the DIS, the Cabinet Office and GCHQ. It was not sent to the original, high-level recipients of the September reports.

530. After the conflict the sub-source told SIS that he had not provided the information in the reports.

531. SIS formally withdrew the reporting on 29 July 2003.

532. SIS finally met the sub-source in June 2003.¹⁹⁷ He had been involved in Iraq's CW programme before 1991 and had also been involved in Iraq's destruction activities. The sub-source denied that he had provided any of the material attributed to him. SIS concluded that its source was a fabricator who had lied from the outset.

533. On 3 July, a SIS Requirements officer wrote that it was "now necessary" to withdraw the reports issued on 11 and 23 September and 3 April.¹⁹⁸

534. The Requirements officer added:

"Without denying that these reports are no longer valid, we need to ensure their withdrawal does not provide wide-spread scepticism about our CW reporting, particularly in the absence of a convincing CW find."

535. The relevant SIS team leader had "prepared the ground with Mr Scarlett and others for the likelihood that, now we have the opportunity to validate our CX, some may prove false. They were sanguine about this, at least in the abstract. But DIS in particular remain sceptical of our CW reporting and Assessments Staff continue to claim (wrongly) that they drew on the [11 September report] for the dossier."

¹⁹⁷ SIS record, 25 June 2003.

¹⁹⁸ Minute, 3 July 2003, 'Withdrawal of CX'.

536. The Requirements officer concluded that SIS should write to those to whom the reports had been issued and sought SIS3 and SIS4 approval for the text to be used.

537. The Requirements officer also commented:

“... there are still unanswered questions as to how this story could have been so wrong, but that is not an issue for CX readers.”

538. Sir Richard Dearlove informed the ISC in mid-July 2003 that the intelligence had been withdrawn.¹⁹⁹

539. Internal SIS documents seen by the Inquiry show that the briefing produced for Sir Richard Dearlove’s appearance before the ISC stated that: “In the light of the post-war research ... [the reporting of 11 and 23 September 2002] has now been withdrawn.”²⁰⁰

540. A memorandum withdrawing the reports of 3 April 2003 (and 11 and 23 September 2002) was issued on 29 July 2003.²⁰¹ It said that SIS had interviewed the individual identified as the sub-source for the intelligence after the conflict, but he had denied being the source of the material passed to SIS. The memorandum stated that the reports were being withdrawn because the sourcing chain was discredited. That did “not necessarily invalidate their contents (some of which chimed with other reporting)”.

541. The memorandum was sent to most of the recipients of the original reports, including to the Private Offices of Mr Straw and Mr Hoon and to Mr Bowen in the Cabinet Office. But it was not sent to No.10 or to Mr Brown’s Private Office.

542. In the covering letter to SIS’s Annual Report for 2002-2003, Sir Richard Dearlove wrote:

“Iraq of course has been the dominant issue. I am confident that the intelligence picture to which we contributed pre-conflict will be proved correct.”²⁰²

543. Sir Richard added that the search for Saddam Hussein’s WMD would continue into 2004, “and possibly beyond”. He also wrote:

“We risk damage to the credibility of the intelligence community if the public perception remains that our intelligence may have been wrong. If we can persuade Iraqi scientists involved in the programme to go public, then we may be able to turn the media debate more in our favour and reduce our dependence on the eventual outcome of the physical search.”

544. In the letter and the Annual Report itself, which was sent to Mr Brown, Mr Straw and Mr Hoon, Sir Andrew Turnbull, Sir David Omand, Mr Scarlett, Sir Michael Jay (the

¹⁹⁹ Letter PS/C to Adams, 8 September 2003, ‘Additional ISC Request for Access to Intelligence’.

²⁰⁰ SIS record, July 2003, ‘Briefing for C appearance at ISC’.

²⁰¹ Minute [SIS memorandum], 29 July 2003, [with telegram and memorandum of same date].

²⁰² Letter Dearlove to Prime Minister, 30 July 2003, ‘SIS Annual Report 2002-2003’.

FCO Permanent Under Secretary), Ms Eliza Manningham-Buller (Director General of the Security Service) and Dr David Pepper (Director, GCHQ), as well as to Mr Blair, there was no mention of any doubts about the reliability of any of the intelligence on Iraq's WMD.

545. Following the evidence to the Hutton Inquiry of Dr Brian Jones (the branch head of the nuclear, biological and chemical section in the Scientific and Technical Directorate of the Defence Intelligence Staff, 1987 to January 2003), Sir Richard Dearlove's Private Secretary asked for Mr Straw's permission for Sir Richard to disclose the reports of 11 and 23 September 2002 to the ISC on 8 September 2003.²⁰³

546. The letter stated that Sir Richard Dearlove had told the Committee, during a hearing on 17 July, that the "reporting came from a new source on trial and was subsequently withdrawn".

547. Mr Straw approved the request the following day.²⁰⁴

THE INTELLIGENCE AND SECURITY COMMITTEE'S VIEW

548. In its Report published in September 2003, the ISC stated that it had considered the concerns expressed by two individuals in the DIS about "the language used in the draft dossier, which was not in their view supported by the intelligence available to them on the current production of chemical and biological agents and weapons". The Report stated:

"We were told that there was further intelligence of a nature so sensitive that it was only released on a very restricted basis. We have seen the intelligence and understand the basis on which the CDI [Chief of Defence Intelligence] and JIC took the view they did."²⁰⁵

549. The ISC Report did not state that the intelligence had been withdrawn.

THE BUTLER REVIEW

550. The Butler Report noted that the reporting had been withdrawn in July 2003.

551. The Butler Report, published on 14 July 2004, stated that SIS had withdrawn the two reports (of 11 and 23 September 2002) in July 2003, "because the sourcing chain had by then been discredited".²⁰⁶ SIS had interviewed the alleged sub-source after the conflict who had "denied ever having produced the information in the reports".

²⁰³ Letter PS/C to Adams, 8 September 2003, 'Additional ISC Request for Access to Intelligence'.

²⁰⁴ Letter Straw to C, 9 September 2003, [untitled].

²⁰⁵ Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 101.

²⁰⁶ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 405.

552. The Butler Report noted that the two reports, “including one which was important in the closing stages of production of the Government’s September dossier, must now be treated as unsafe”.

553. The Butler Report’s comments on the decision not to show the reporting to DIS experts is addressed in Section 4.2.

MINISTERIAL AWARENESS THAT THE REPORTING HAD BEEN WITHDRAWN

554. Mr Blair and Mr Hoon became aware that the reporting had been withdrawn as a result of the Butler Review.

555. In the No.10 press briefing on 16 July 2004, Mr Blair’s Official Spokesman was asked why Lord Hutton had not been informed that the intelligence had been withdrawn a month before Mr Scarlett had given evidence to the Hutton Inquiry.²⁰⁷ The Spokesman replied that SIS validation of the intelligence was still “ongoing” and that at the time Mr Scarlett gave evidence, “this matter was still being investigated”.

556. Asked about Sir Richard Dearlove’s evidence to the Hutton Inquiry that the information in the dossier was “sound” and whether the SIS decision not to inform Lord Hutton that the intelligence had been withdrawn meant that Sir Richard’s evidence had been “wrong”, the Spokesman replied that “Lord Hutton had been investigating the controversy surrounding the 45-minute claim, not the wider intelligence picture”.

557. Asked when Mr Blair had “discovered” that the intelligence had been withdrawn, the Spokesman replied that Mr Blair “had not known at the time he had given evidence to Lord Hutton [on 28 August 2003]” that the intelligence had been withdrawn “because the process of validation had been ongoing”. Mr Blair had “found out” that the intelligence had been withdrawn “as a result of the Butler Inquiry”.

558. In Written Questions to Mr Blair, Mr Straw and Mr Hoon, Mr Adam Price (Plaid Cymru) asked each of them when they were:

“... informed that SIS had withdrawn reporting from the source who claimed that production of biological and chemical agents had been accelerated by the Iraqi regime, because the source of the reporting had subsequently been deemed unreliable.”

559. Mr Straw replied on 20 July:

“I became aware of the withdrawal of this reporting when I agreed, in response to a request from SIS on 8 September 2003, that the reports in question should be disclosed to the Intelligence and Security Committee.”²⁰⁸

²⁰⁷ The National Archives, 16 July 2004, *Press Briefing: 11AM Friday 16 July 2004*.

²⁰⁸ House of Commons, *Official Report*, 20 July 2004, column 176W.

560. Mr Hoon replied on 21 July:

“I first became aware that SIS had withdrawn the reports as a result of the Butler Review.”²⁰⁹

561. Mr Blair replied on 21 July:

“As my Official Spokesman made clear on 16 July, it was as a result of the Butler Review.”²¹⁰

562. In response to a further question from Mr Price, asking when he had become aware that “in July 2003” SIS “had withdrawn two reports from a new source on trial because the source had by then been discredited”, Mr Blair replied on 16 September:

“These matters have been examined during the course of the Butler Review and other inquiries, and covered during debates and statements on Iraq and in briefings by my Official Spokesman. All relevant information has been placed in the public domain insofar as that could be done without prejudicing national security.”²¹¹

563. Asked by Mr Bob Marshall-Andrews (Labour), in November 2004, for the precise date on which he was aware of the intelligence services’ withdrawal of “wholly discredited” reports, Mr Blair replied that he thought:

“... the doubts about the information ... were drawn to our attention during the Butler Review. I can certainly look into the precise date on which that happened. It has to be said, however, and I hope that he understands this, that the information and intelligence that we received, we received in good faith and acted on in good faith.”²¹²

564. Although the SIS minute of 29 July 2003 withdrawing the reporting was sent to the Private Offices of Mr Straw and Mr Hoon and to the Cabinet Office, it was not sent to No.10.

565. The withdrawal of the reporting was done in a very low key manner compared with the way in which the original reporting was issued. That and the timing of the minute may explain why it was not drawn to Mr Hoon’s attention. It is not clear why SIS did not inform No.10 or ask the Assessments Staff to do so.

566. Senior members of SIS offered the Inquiry differing views about how the reports had been used by SIS.

²⁰⁹ House of Commons, *Official Report*, 21 July 2004, column 267W.

²¹⁰ House of Commons, *Official Report*, 21 July 2004, column 285W.

²¹¹ House of Commons, *Official Report*, 16 September 2004, column 1774WS.

²¹² House of Commons, *Official Report*, 17 November 2004, column 1344.

567. Asked about the confidence attached to the reports of 11 and 23 September, SIS1 told the Inquiry that he thought “it was based in part on wishful thinking”.

He added:

“SIS was under quite extraordinary pressure to try and get a better view of Iraq’s WMD programme, and I think we marketed that intelligence – I think this is not [an] original comment – before it was fully validated.”²¹³

568. Asked whether there were doubts in SIS’s collective consciousness even before March 2003, SIS1 replied:

“Well before that. Even while it was still going on. Here was a chap who promised the crock of gold at the end of the rainbow. Now, you have got to go for those, because sometimes that can be just what you are looking for.”²¹⁴

569. Asked about the strain that had put on the validation process and the way in which it is reported, SIS1 replied:

“Well, there wasn’t much to validate. What he was promising had not arrived. That was the point.

...

“... and I think that that created an expectation which could not be fulfilled, not only on the part of those who were briefed on it ...”²¹⁵

570. Asked whether the reporting was the reason for the belief that there was a growing threat, SIS1 replied: “No, because, again, there wasn’t much to go on.”

571. Asked if the reporting had influenced actual assessments, SIS1 replied:

“No, he didn’t influence assessments. He influenced expectation on the part of people who were concerned, are we going in the right direction.”²¹⁶

572. Asked about Sir David Omand’s comment to the Inquiry that SIS over-promised and under-delivered, SIS1 replied:

“If he was referring to that [the information promised by the SIS source], I think he’s right. I would hate it to be the epitaph of the whole period. If that was the suggestion, that’s completely untrue.”²¹⁷

573. Asked about the confidence which Sir Richard Dearlove had expressed in the intelligence, SIS4 told the Inquiry that, for SIS, the report had a story behind it. The

²¹³ Private hearing, 2010, page 18.

²¹⁴ Private hearing, 2010, page 18.

²¹⁵ Private hearing, 2010, pages 18-19.

²¹⁶ Private hearing, 2010, page 19.

²¹⁷ Private hearing, 2010, pages 19-20.

technical experts in SIS “knew the Iraqi story intimately”. If they “said we know about this chap, we know about the account of his past, if he’s possibly in touch with us and going to send us stuff, that’s a very major development”.²¹⁸

574. SIS4 added that it was “potentially a very, very serious breakthrough”.²¹⁹

575. SIS4 told the Inquiry that Sir Richard Dearlove had not, in his view, “acted unprofessionally” in briefing Mr Blair about the 11 September report. He had had “to take all these political decisions on his own shoulders” and those were:

“Heavy responsibilities.

“He judged that Blair needed to know, and he told him. I don’t think he did a wrong thing. The style may be questioned, but I don’t think he was wrong to do what he did.

....

“... the analysis and motivation at the time ... stands.”²²⁰

576. Asked why Mr Blair was under the impression when he gave evidence to the Hutton Inquiry that the process of validation was still continuing, SIS4 told the Inquiry:

“I think that was one of life’s ghastlinesses. I don’t think the withdrawal notice was sent to Number 10 because withdrawal notices are not major new intelligence. They are not the sort of thing ministers get up early to read. What they do affect, importantly, is the integrity of the record.

“I imagine that the requirements officer issuing the withdrawal report ... thought, ‘They won’t be interested in this’. How wrong he was, and what a skid-up within just a few days, when the Prime Minister said at a public inquiry something that was probably not the case.”²²¹ It’s very embarrassing.”²²²

577. Asked whether that was, “A cock-up rather than a conspiracy”, SIS4 replied: “Always.”

²¹⁸ Private hearing, Part 1, pages 56-57.

²¹⁹ Private hearing, Part 1, page 60.

²²⁰ Private hearing, Part 1, page 62.

²²¹ Mr Blair did not make such a statement to the Hutton Inquiry. The statement that he had not known about the withdrawal of the reporting when he had given evidence to the Hutton Inquiry on 28 August 2003 was made by his Spokesman on 16 July 2004. The National Archives, *Press Briefing: 11am Friday 16 July 2004*.

²²² Private hearing, Part 1, pages 67-68.

578. Asked what conclusions he had drawn when reviewing the case in 2004, SIS3 replied:

“Well, I think it illustrated, first of all, the dangers of a chain of sourcing ...

“The second point is that when you have senior people who reach down into the machinery and try moving the cogs, if I may put it like that ... you obviously disenfranchise the operational chain of command. You cut out expertise, and perhaps you also disable that element of challenge which is, I think, a very important part of operational life in the Service.

“The third point is there was a judgment ... that we had overpromised and underdelivered. I absolutely agreed with that judgment. It’s precisely what we did.”²²³

579. Pressed to clarify to whom he was referring, SIS3 told the Inquiry he was reporting what people had said about Sir Richard Dearlove, and that it had been controversial at the time at an operational and working level where he thought “people were genuinely annoyed and concerned”.²²⁴

580. Asked whether there were political pressures not to be as careful as SIS should have been over an unvalidated, untested source, SIS3 replied:

“Well, it was obviously pressure – whether you describe it as political pressure or merely pressure from Assessments Staff – to have more material, in a sense responding to the tasking that we had received. Clearly when you are under a lot of pressure to produce intelligence, there is a risk that you will take short cuts.”²²⁵

581. The information in the report issued on 11 September was very striking and further information confirming the material as the source promised would have been of great importance in providing proof that Iraq had chemical and biological programmes.

582. The way the report of 11 September was used to support critical judgements in the dossier without being subject to evaluation and challenge by the appropriate technical experts or properly assessed by the JIC is addressed in Section 4.2.

583. The judgements were then carried forward into assessments, briefings and public statements without those involved in providing advice to Ministers and senior officials or the recipients of that advice being aware of the doubts which had emerged within SIS about the sourcing chain at any point before the decision to take military action.

²²³ Private hearing, 2010, page 17.

²²⁴ Private hearing, 2010, page 18.

²²⁵ Private hearing, 2010, page 19.

584. Sir Richard should have alerted the Chairman of the JIC and made sure that Mr Blair and Mr Straw were informed.

585. Given the controversy about the failure to find WMD and questions about whether the intelligence had been presented accurately after the conflict, Sir Richard Dearlove should have ensured that Ministers were aware of the position when he informed the Intelligence and Security Committee that the intelligence had been withdrawn.

Withdrawal of two other streams of SIS reporting

586. By the middle of 2004, serious doubts had emerged about two further streams of reporting which had informed pre-conflict assessments on:

- the production and possession of stocks of chemical and biological agents;
- the weaponisation and deployment of those agents;
- Iraq's intentions to use chemical and biological weapons; and
- Iraq's strategy of concealment and deception.

587. On 2 June 2004, SIS alerted the FCO and No.10 to concerns about the reporting from the chain responsible for the "45 minutes" report and a number of other reports including the one which had informed the 27 November 2002 Update.

588. The ISC Report published in September 2003 stated that Sir Richard Dearlove told the Committee that the sourcing for the SIS report of 30 August (the source for the reference in the September dossier to chemical and biological weapons being deployable within 45 minutes of an order to use them), was "reliable":

"The senior military officer named and quoted in the report was in a position to comment on the deployment of chemical and biological weapons."²²⁶

589. SIS informed the FCO on 2 June 2004 that it had information casting doubt on the reliability of information from a sourcing chain which had provided intelligence before the conflict on Iraq's intentions and ability to use chemical or biological weapons.²²⁷

²²⁶ Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 51.

²²⁷ Minute SIS to Kidd, 2 June 2004, 'Butler Review: Sourcing of 45 Minute Report' attaching SIS Paper, 2 June 2004, 'Speaking Note for C to Lord Butler [...]'.

590. The draft speaking note for Sir Richard Dearlove explained that new information, obtained recently when SIS met the sub-source for the first time, cast doubt on the reliability of his intelligence, and that he had provided the report referred to in the 9 September 2002 JIC Assessment, that:

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

591. There were also doubts about other reporting from the sub-source. SIS was pursuing its validation of the reports, but intended to inform Lord Butler of the issue before Sir Richard Dearlove gave further evidence to the Butler Review on 10 June.

592. When Mr Straw saw the papers he asked for them to be sent to Mr Blair “without delay”, commenting that SIS’s description of the new information as a “snag” was “a very major understatement”, and that the information seemed “to drive a coach and horses through the veracity of the 45-minute claim”.²²⁸

593. Sir Michael Jay, commented on the papers:

“I am sure we must be open with Butler about this – and/wd have thought go into more details than proposed in [draft speaking note] ...”²²⁹

594. An SIS internal minute records that Sir Nigel Sheinwald, who succeeded Sir David Manning as Mr Blair’s Foreign Policy Adviser and Head of OD Sec in August 2003, discussed developments with Mr Blair on 5 June.²³⁰

595. On 7 June, Sir Nigel wrote to Mr Straw’s Private Office reporting that Mr Blair regarded the information “as a very serious development”, and that he had “asked for a clear damage assessment”.²³¹

596. Mr Blair had also asked:

- how the overall intelligence picture would be affected;
- what was “the position regarding the other main sources on Iraqi WMD”; and
- “where do we stand in our assessment of the veracity of Curve Ball’s material [the source for the majority of the reporting on mobile production facilities for biological agents]”.

597. Mr Blair agreed that Sir Richard Dearlove should brief Lord Butler, and that that should take place before other witnesses gave evidence to Lord Butler (on 8 June).

²²⁸ Minute Adams to Kidd, 4 June 2004, ‘Butler Review: Sourcing of 45 Minute Report’.

²²⁹ Manuscript comment Jay on Minute Adams to Kidd, 4 June 2004, ‘Butler Review: Sourcing of 45 Minute Report’.

²³⁰ Minute SIS, 7 June 2004, ‘Butler Review/SIS: Sourcing of 45 Minute Report’.

²³¹ Minute Sheinwald to Adams, 7 June 2004, ‘Butler Review: Sourcing of 45 Minute Report’.

598. SIS did not gain direct access to Curve Ball until early 2004.²³²

599. The US Commission on WMD reported that the CIA had doubts about Curve Ball from summer 2003:

“Any remaining doubts, however, were removed when the CIA was finally given access to Curve Ball himself in March 2004. At that time, Curve Ball’s inability to explain discrepancies in his reporting, his description of facilities and events, and his general demeanor led to the conclusion that his information was unreliable ... Having concluded that Curve Ball had fabricated his reporting, CIA and Defense HUMINT recalled all of it.”²³³

600. A senior SIS officer replied to the questions raised by Mr Blair on 10 June.²³⁴ The senior SIS officer stated that, if intelligence from the sub-source were withdrawn, there was:

“... still a body of intelligence which consistently indicated that Saddam was considering using CBW; that he would be prepared to use it against advancing allied forces; and that he considered possession of CBW vital to the long term survival of his regime.”

601. The senior SIS officer also reported that:

- SIS had received a large amount of liaison reporting, “about deception of UNMOVIC and the concealment of CBW; and limited reporting on the military deployment of CBW”.
- SIS was validating other sources.
- The CIA had already formally withdrawn some reporting from Curve Ball but SIS continued to judge that it was “premature to conclude ... that all intelligence from the source must be discounted”.

602. The senior SIS officer added that, as a result of its discussions with Curve Ball earlier in 2004, the “most likely function” of the trailers he had described was “to provide a breakout production capability and not the continual production of material for stockpiling”.

603. Separately, Mr Tim Dowse, who succeeded Mr Miller as Chief of the Assessments Staff in November 2003, sent Sir Nigel Sheinwald an assessment of the impact of concerns about the reliability of the sourcing chain for the 45 minute report.²³⁵ Mr Dowse stated that there were doubts about the sourcing chain which SIS was still investigating.

²³² Letter [senior SIS officer] to Scarlett, 24 March 2004, ‘CIA Position on Iraqi TPS Source’.

²³³ The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, *Report to the President of the United States*, 31 March 2005, pages 106-108.

²³⁴ Letter [senior SIS officer] to Sheinwald, 10 June 2004, ‘Butler Review: Sourcing of 45 Minute Report’.

²³⁵ Minute Dowse to Sheinwald, 18 June 2004, ‘Intelligence on Iraqi WMD: [...]’.

604. The sub-source for the 45 minute report had provided five reports which were drawn on in the JIC Assessments of 21 August, 9 September, 11 October, 6 December 2002 and 19 February 2003. In addition, he had provided the reporting for the JIC Update of 27 November.

605. Mr Dowse wrote that, while the intelligence was not “crucial to key judgements” in the JIC Assessments, it had:

“... increased our confidence in judgements that Saddam possessed and was prepared to use chemical and biological weapons – but these also rested on other intelligence.”

606. Reporting from the sub-source was crucial on “one detailed point”, the statement in the 9 September Assessment that Iraq could deploy chemical and biological weapons within 45 minutes.

607. Mr Dowse added:

“However, this would not have materially affected the key JIC judgements on Iraqi capabilities: it was seen simply as extra detail supporting the picture of the Iraqi command and control structure that we already had, based on other intelligence. The prominence this point has received in the media since the conflict was not how it was seen by the JIC at the time.”

608. An internal SIS minute of 8 June also identified that the sub-source had provided a report in late 2002 that Iraq had an indigenous UAV programme capable of CBW delivery.²³⁶

609. Mr Dowse wrote to Sir Nigel Sheinwald again on 7 July, reporting that SIS had provided a more detailed summary of its work to validate the pre-conflict sources on Iraqi WMD, which was continuing.²³⁷

610. Mr Dowse concluded:

“... we see no reason at present to revise JIC judgements on Iraqi WMD beyond the (objectively minor, but presentationally very awkward) point over the ‘45 minutes’ claim ...”

611. The Butler Report published on 14 July stated that serious doubts had emerged about the reliability of intelligence from three sources.

612. The Butler Report recorded that SIS had:

“... provided a series of commentaries on the results of their post-war validation of the main sources of human intelligence ... on Iraqi chemical and biological

²³⁶ Minute SIS, 8 June 2004, ‘Butler Review/SIS: Sourcing of 45 Minute Report’.

²³⁷ Minute Dowse to Sheinwald, 7 July 2004, ‘Validation of Sources on Iraqi WMD’.

weapons, their use and their concealment ... [D]oubts – 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.”²³⁸

613. The withdrawal of intelligence in July 2003 from the source of the reports issued on 11 and 23 September 2002 is dealt with earlier in this Section.

614. The Butler Report stated that more than 80 percent of the human intelligence reports “which had had a material influence on JIC Assessments on Iraqi deception and concealment ... came from two principal sources”; and that one of those sources produced two-thirds of the reports.²³⁹ Because both sources were “believed at the time to be reporting reliably”, there would have been “a tendency for the intelligence community to assume that they were similarly reporting reliably on Iraqi concealment and deception”.

615. In a footnote, the Butler Report drew attention to the fact that, during SIS validation of its sources after the conflict, doubts had emerged about the reliability of reporting from the source providing the smaller proportion of the reports.

616. The Butler Report stated that two sources had produced “some two-thirds of all the intelligence reports” circulated in 2002. Those reports had “had a significant influence on intelligence assessments on Iraqi use of chemical and biological weapons”:

- One of those sources “reported accurately and authoritatively on some key issues”, but on the “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”.
- In 2002, SIS issued a number of reports from the second source “quoting a new sub-source on Iraqi chemical and biological programmes and intentions”. SIS considered the second source “to be an established and reliable source” whose “intelligence on other subjects had previously been corroborated”. SIS had also included a caution about the sub-source’s links to Iraqi opposition groups.²⁴⁰

617. The Butler Report stated that it had:

“... 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

²³⁸ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 398.

²³⁹ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 355.

²⁴⁰ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraphs 401-403.

SIS ... has thrown doubt on the reliability of one of the links in the reporting chain affecting this intelligence report.”²⁴¹

618. The third source about which doubts had arisen provided “the vast majority of the intelligence suggesting that Iraq had developed mobile facilities for the production of biological agent”.²⁴² Sir Richard Dearlove told the Butler Review in May 2004 that these reports had “been received through a liaison service” and 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.”

619. SIS told the Butler Review that, after their initial debrief of the source (Curve Ball):

- It had “become apparent that significant detail did not appear in the original liaison reports ... But based on the information derived from the limited access to date we continue to judge that it is premature to conclude ... that all the intelligence from the source must be discounted.”
- SIS had concluded that the trailers described by the source as part of the mobile facilities would have produced agent in the form of a slurry, which would have a limited life, and, therefore, that the “most likely function ... was to provide a breakout production capability and not the continued production of material for stockpiling”.
- SIS was continuing to debrief the source.²⁴³

620. The Butler Report concluded that the reports received in 2000 from this source, suggesting that Iraq had recently produced biological agent were “seriously flawed”; and that the grounds for the JIC Assessments drawing on these reports (see Section 4.1) “no longer exist”.²⁴⁴

621. The Butler Report stated that the source (Curve Ball) was “a refugee”, and that his reporting had been:

“... 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.”²⁴⁵

²⁴¹ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 512.

²⁴² *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 406.

²⁴³ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraphs 407-409.

²⁴⁴ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 409.

²⁴⁵ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 438.

622. The Butler Report also stated:

- **“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 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.”**²⁴⁶
- All JIC Assessments about the production of biological warfare agents were based on intelligence about mobile facilities.²⁴⁷

623. The Butler Report stated that reports from two further sources continued to be regarded as reliable, although it was “notable that their reports were less worrying than the rest about Iraqi chemical and biological weapons capability”.²⁴⁸

624. The Butler Report also stated that it had subsequently emerged that one of the sources on which US assessments of Iraqi ownership of mobile biological agent production facilities, including Secretary Powell’s presentation to the Security Council on 5 February 2003, had been based, a defector associated with the Iraqi National Congress, had already been retracted before the US National Intelligence Estimate was issued in October 2002.²⁴⁹ That report was not relied on by the UK.

625. On 30 January 2004, Mr Scarlett informed Sir Nigel Sheinwald of US concern about a “Notification to Congress that one piece of intelligence underpinning” Secretary Powell’s presentation to the UN on 5 February 2003 “came from an unreliable source”.²⁵⁰

626. Mr Scarlett commented:

“This discredited report was sent to SIS but not issued by them so it was not reflected in our classified assessments or in the dossier. There is one reference in the dossier (the Executive Summary) to mobile ‘laboratories’. This was a general term to cover mobile facilities and was not meant to be distinct from ‘production’ units. In terms of any press lines it will be sufficient to say that the discredited report was not issued by SIS.”

²⁴⁶ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 530.

²⁴⁷ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 523.

²⁴⁸ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 410.

²⁴⁹ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 521.

²⁵⁰ Minute Scarlett to Sheinwald, 30 January 2004, ‘Iraqi WMD: Update from CIA’.

627. Reporting from the sourcing chain which had produced the “45 minutes” report was withdrawn on 28 September.

628. On 28 September, a senior SIS officer wrote to Mr Straw’s Private Office formally withdrawing all the reporting from the sourcing chain that had produced the 45 minute report.²⁵¹ There were concerns that the source had coached the sub-source; that the sub-source had fabricated reports; and that the source might not have accurately reported the information from the sub-source.

629. The SIS officer stated that the assessment of the impact of withdrawing the reporting provided by Mr Dowse on 18 June still stood.

630. At the JIC meeting on 29 September, Mr Ehrman noted that SIS had circulated a letter withdrawing one of the lines of reporting on Iraq’s WMD:

“It would be drawn to ... [Mr Straw’s and Mr Blair’s] attention. After the work of the ISG was concluded, and SIS had completed validation of the sources, it would be necessary to review the JIC Assessments circulated in the run-up to the Iraq war. The results would be discussed at a future JIC meeting.”²⁵²

631. SIS formally withdrew the reporting from Curve Ball on 29 September 2004.

632. On 29 September, the same senior SIS officer wrote to Mr Straw’s Private Office stating that SIS had concluded that all the reporting from Curve Ball should formally be withdrawn.²⁵³ SIS and the DIS had reached a common position on the technical aspects of the reporting in May 2004, which had been submitted to the Butler Review. They continued to assess that the transportable production system described in the reporting was compatible with BW production.

633. The senior SIS officer also stated:

- It was now not clear whether Curve Ball had ever told the liaison service whose control he was under that he believed the system was BW-related.
- Substantial UK and ISG efforts to collect significant collateral to conclude that the system was BW-related had produced little that was concrete.
- There were “irreconcilable inconsistencies” in Curve Ball’s claims for the production process which meant that, notwithstanding its scientific coherence, SIS “now have some doubts about the overall veracity” of the story.
- Curve Ball had been a very difficult defector to handle and access to Curve Ball had proved challenging.

²⁵¹ Minute [senior SIS officer] to [Private Secretary/FCO], 28 September 2004, ‘Withdrawal of [name of source] CX’.

²⁵² Minutes, 29 September 2004, JIC meeting.

²⁵³ Letter SIS to Private Secretary [FCO], 29 September 2004, ‘CURVEBALL: Withdrawal of [...] reporting’.

634. The senior SIS officer concluded that the reporting was:

“... issued against a background of possible future military action in Iraq in which British Forces might participate. In these circumstances, and given [a liaison service’s] assessment of his reliability, the technical credibility of his story and the previously expressed Iraqi interest in a mobile CW production capability, it would have been difficult not to treat seriously ...”

635. Mr Ehrman wrote to the SIS senior officer on 1 October stating that, once the ISG had issued its report, he intended that the JIC “should conduct a comprehensive review of its past judgements”.²⁵⁴ He also asked SIS to confirm that there were no further questions about other sources.

636. Sir Nigel Sheinwald confirmed that Mr Blair had seen the senior SIS officer’s “submissions of 28 and 29 September” and was “content with the proposal to withdraw the intelligence concerned”.²⁵⁵

637. Following a conversation on 4 October, between Mr John Scarlett, who had succeeded Sir Richard Dearlove as Chief of SIS, and Mr Straw, Mr Scarlett’s Private Secretary wrote to Mr Straw’s Private Office about informing the ISC of the decision.²⁵⁶ Mr Scarlett intended to write to the Chair of the ISC informing the Committee that the two streams of reporting had been withdrawn. If Mr Straw remained of the view that there was “an imperative to report the fact of the withdrawals now and in public”, a Written Ministerial Statement could then, with the ISC Chair’s agreement, refer to the SIS correspondence with the Committee in the context of Lord Butler’s recommendations and the exceptional Parliamentary and public interest in the “45 minutes intelligence” in particular.

638. A draft Written Ministerial Statement was also provided for Mr Straw’s consideration.

639. The withdrawal of intelligence was announced by Mr Straw on 12 October:

“The House will recall that the Butler committee concluded ... that the validity of the line of reporting that included the 45-minute intelligence had come into question. It further concluded that reporting received from a liaison service on Iraqi production of biological agent was ‘seriously flawed’. The House will now wish to be aware that the Chief of the Secret Intelligence Service has written to ... the Chairman of the Intelligence and Security Committee, formally withdrawing those two lines of reporting.

²⁵⁴ Letter Ehrman to [Senior SIS Officer], 1 October 2004, ‘Withdrawal of [source] CX’.

²⁵⁵ Letter Sheinwald to [Senior SIS Officer], 11 October 2004, ‘Withdrawal of [sources] CX’.

²⁵⁶ Letter PS/C to Adams, 7 October 2004, ‘Withdrawal of Iraq WMD Reporting’ attaching draft Letter C to Taylor, ‘Withdrawal of Iraq WMD Reporting’ and draft Ministerial Statement.

“But I do not accept, even with hindsight, that we were wrong to act as we did in the circumstances that we faced at the time. Even after reading all the evidence detailed by the Iraq Survey Group, it is still hard to believe that any regime could behave in so self-destructive a manner as to pretend that it had forbidden weaponry, when in fact it had not.”²⁵⁷

JIC ASSESSMENT, 23 DECEMBER 2004: ‘IRAQI WMD – A REVIEW OF JIC JUDGEMENTS MADE IN 2002’

640. At the request of the JIC, its Assessments of Iraqi WMD programmes in 2002 were reviewed in December 2004.²⁵⁸

641. The minutes of the JIC discussion on 22 December of the draft paper on WMD recorded that the points made included:

- The paper had been produced at the JIC’s request and “reviewed the 2002 JIC judgements of Iraqi WMD programmes, capabilities and intentions, in the light of subsequent investigations, particularly the findings of the Iraq Survey Group”.
- The JIC’s 2002 judgements on ballistic missiles had been “partially substantiated”. Iraq “had developed missiles that exceeded the legal range of 150km, and had designs for missiles with ranges up to 1000km. The paper should not be so definitive in its conclusions. While our knowledge had been considerably enhanced, the ISG itself acknowledged that more information may yet come to light, and the picture was still incomplete”.
- The box on the intelligence base in the Assessment “should highlight the limited, fragmentary nature of the intelligence, and the fact that much of the CBW reporting had been withdrawn. But the paper should also point out that many of the JIC’s judgements were informed by UNSCOM reporting, and even without the withdrawn intelligence, would have remained reasonable judgements based on what we knew at the time”.
- The JIC “would discuss lessons learned as part of following up the Butler Review recommendations”.²⁵⁹

642. The Assessment, issued on 23 December, made clear that it was not examining the process through which assessments and judgements were made or attempting to analyse the findings of the ISG in detail.²⁶⁰ The ISG findings provided “a baseline against which to compare the pre-conflict JIC Assessments”. The ISG had “considerably enhanced” the UK’s knowledge, but it had “acknowledged” that its findings were “by no means definitive and new information may yet come to light”.

²⁵⁷ House of Commons, *Official Report*, 12 October 2004, columns 151-152.

²⁵⁸ JIC Assessment, 23 December 2004, ‘Iraqi WMD: Review of Judgements made in 2002’.

²⁵⁹ Minutes, 22 December 2004, JIC meeting.

²⁶⁰ JIC Assessment, 23 December 2004, ‘Iraqi WMD: Review of Judgements made in 2002’.

643. The Assessment stated:

“The ISG judged that Saddam wanted to recreate Iraq’s WMD capability, but only after sanctions were removed and the economy had stabilised. He aspired to develop a nuclear capability in an incremental fashion, and intended to focus on ballistic missile and tactical warfare capabilities. The ISG found that Iran was the prime motivator for this policy, with a secondary requirement to balance Israel and have influence in the Arab world.”

644. Against that background, and validation work on the intelligence on which its judgements had been based, the JIC reviewed its 2002 Assessments of Iraq’s activities:

“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” (CIG Assessment, 15 March 2002).

- The judgement “was wrong in that Iraq was not pursuing a nuclear weapons programme, but correct on Iraq’s nuclear ambitions and its inability to produce a nuclear weapon under sanctions”.
- “The ISG found no indigenous nuclear production capability or a reconstitution of effort to produce nuclear weapons.”
- “It did find evidence of efforts to preserve nuclear related intellectual capabilities post 1991, with the probable intention of restarting a nuclear programme once sanctions ended ...”
- “Intelligence dated June 2002 identified Iraqi interest in seeking uranium ore from Niger. The ISG has contested this, but it has not been possible for the UK to share the relevant intelligence [...] This intelligence stands.”

“Iraq retains up to 20 Al Hussein ballistic missiles” (CIG Assessment, 15 March 2002).

- The judgement had “not been substantiated”.
- “The ISG judges that Iraq probably did not retain any SCUD-variant missiles after 1991 ...”

“Iraq has begun development of medium range ballistic missiles over 1000km” (CIG Assessment, 15 March 2002).

- The judgement “had been partly substantiated: the ISG found that Iraq had authorised its scientists to develop missiles with ranges in excess of ... 150km ... and had designs for missiles with ranges up to 1000km”.

“Iraq may retain some stocks of chemical agents ... Iraq could produce significant quantities of mustard within weeks, significant quantities of sarin

and VX within months, and in the case of VX may already have done so”
(CIG Assessment, 15 March 2002).

- “Although a capability to produce some agents probably existed, this judgement has not been substantiated.”
- “The ISG judged that by 2003 Iraq probably had a capability to produce large quantities of mustard within three to six months. Saddam never abandoned his intention to resume a CW effort.”
- “... [T]he Iraqi Intelligence Service (IIS) may have maintained covert laboratories ... though this probably reflected requirements for small-scale operations by intelligence services and special forces, particularly for use against internal dissent.”
- “The ISG judged that Iraq unilaterally destroyed its undeclared CW stockpile in 1991, although a small number of weapons either escaped destruction or suffered only partial damage.”

“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” (CIG Assessment, 15 March 2002).

- “The ISG found no direct evidence of a BW programme after 1996. It concluded, however, that Saddam probably intended to resume a BW programme if the opportunity arose.”
- “The ISG found that Iraq had dual-use facilities which could have allowed BW production to resume, but not within the timeframe judged by the JIC, and found no evidence that production had been activated.”
- The “judgements on Iraq’s ability to produce biological agent within days were based on reporting of a TPS [transportable production system] which has been subsequently withdrawn, and evidence (largely imagery) of the refurbishment of a facility involved in BW research and production before the first Gulf war. While acknowledging the possibility that a TPS capability did exist, the ISG uncovered no evidence of such systems.”
- “... the IIS may have had a series of small laboratories conducting small scale BW work ... The ISG was not able to establish the full scope and nature of the laboratory work.”

“Recent intelligence indicates that production of chemical and biological weapons is taking place” (JIC Assessment, 9 September 2002).

- “The ISG found that, while there were no credible indications that Baghdad resumed production of chemical munitions post-1991, Iraq did conserve intellectual CW capability, and enhanced its chemical infrastructure in the mid-1990s.”

- The reporting on which the assessment was based had “not been subsequently substantiated by the ISG”.

“Intelligence [also] indicates that chemical and biological munitions could be with military units and ready for firing within 20-45 minutes” (JIC Assessment, 9 September 2002).

- The reporting had been withdrawn.

“Iraq has a chemical and biological weapons capability and Saddam is prepared to use it” (JIC Assessment, 9 September 2002).

“Saddam has already taken the decision that all resources, including CBW, be used to defend the regime from attack. One report states that Saddam would not use CBW during the initial phase of any military campaign, but would use CBW once a ground invasion of Iraq has begun” (paragraph 4, JIC Assessment, 9 September 2002).

“Intelligence indicates that Saddam has identified Bahrain, Jordan, Qatar, Israel and Kuwait as targets” (paragraph 6, JIC Assessment, 9 September 2002).

- The reporting specifically referred to in paragraph 4 had been withdrawn; as had the report on which paragraph 6 was based. “However, other intelligence on Iraqi CBW programmes and activities, and on Israel and Kuwait as possible targets, supported the Key Judgement and elements of the detail quoted.”
- The ISG findings did “not support the JIC judgement that Saddam would use all resources, including CBW”.

“Saddam ... might use CBW ... against coalition forces, neighbouring states and his own people. Israel could be his first target” (JIC Assessment, 6 December 2002).

- Based on Iraq’s actions pre-1991 and during the first Gulf Conflict, the judgement would have remained a reasonable one although reporting which had been used in compiling the Assessment had subsequently been withdrawn.
- An Assessments Staff Intelligence Update on 27 November 2002 referred to recent intelligence that Saddam Hussein had reiterated his intention to use CBW to defend his regime “if allied forces approached Baghdad, if Basra, Kirkuk or Mosul fell to Allied control, or if Iraqi units rebelled”. He “would wait and see how neighbouring countries reacted to an allied attack, and whether they allowed their territory to be used by Allied forces, before deciding whether to use CBW against them”. His initial targets would be “Israel, Kuwait and Jordan”. That reporting was withdrawn.

645. The Assessment stated:

“The JIC’s judgements on Iraq’s production, retention and the availability of chemical and biological agents in 2002/3 cannot currently be substantiated.”

JIC DISCUSSION, 9 FEBRUARY 2006

646. In an “open discussion” of the lessons learned on Iraq in the JIC on 9 February 2006, the minutes record that the following points were made:

“i. the more important a subject became, the more rigorously checks and balances needed to be applied to JIC product;

ii. peer review of work was vital for some, but not all Assessments. This was particularly so when, in fast changing situations, the JIC was subject to an upward pressure of increased intelligence flow and a downward pressure of demand from senior readers; and

iii. it was vital that the knowledge base within the Assessments Staff was not allowed to atrophy in lower priority subject areas ...”²⁶¹

Reliability of intelligence

647. Iraq was undoubtedly a difficult intelligence target and the UK had no sources of human intelligence with reliable first-hand knowledge of Iraq’s WMD capabilities or Saddam Hussein’s intentions.

648. The ISC stated that Iraq was a hard target but SIS “successfully ran a number of agents against Iraq and Saddam’s regime” who “provided intelligence over a wide range of topics, although the SIS acknowledged that coverage on some subjects was stronger than on others”.²⁶²

649. The ISC described the SIS process of issuing intelligence reports in the following terms:

“The SIS collects human intelligence (HUMINT) when agents, who can also be known as sources, report back to their case officer. Sources either operate on their own or quote a sub-source, who may be quoting another sub-source of their own. After a meeting or communication between agent and [SIS] case officer, the information is checked by the SIS who, after consulting experts as necessary, issue an intelligence report. This report contains the information provided by the agent (who by definition is the single source for the information) and an assessment of the reliability of the agent and any sub-sources, as appropriate, together with SIS comments. The SIS comments will refer the reader of the report to any other

²⁶¹ Minutes, 9 February 2005, JIC meeting.

²⁶² Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 32.

intelligence that either confirms or conflicts with the information provided by the agent and will put the report in context where required. This is to ensure that the reader is able to make the best judgement on the veracity of the intelligence.”²⁶³

650. Addressing comments “about the unreliability of ‘single-source reporting’”, the ISC added:

“Some ... intelligence that agents produce cannot be verified or corroborated by intelligence from other sources. The professional judgement of the agent’s reliability is based on all that is known about the agent and their circumstances, including the reliability of information that can be verified. It is possible to recruit a reliable agent with exceptional access to high-grade intelligence. Examples ... are amongst the most valuable agents that the UK has ever had. Each was the origin of ‘single-source’ reporting from SIS. For much of the reporting there was no collateral from other sources.”²⁶⁴

651. The Butler Report stated:

“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:

- **One SIS main source reported authoritatively on some issues, but on others was passing on what he had heard within his circle.**
- **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.**
- **Reports from a third SIS main source have been withdrawn as unreliable.**
- **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.**
- **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.”²⁶⁵**

²⁶³ Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 25.

²⁶⁴ Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 26.

²⁶⁵ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 436.

652. In its consideration of the reasons why “such a high proportion of the human intelligence reports should have been withdrawn or subsequently be subject to doubt”, the Report’s conclusions included:

“... **the length of the reporting chains.** Even when there were sources who were shown to be reliable in some areas of reporting ... in other areas ... where they did not have direct knowledge [they had] to draw on sub-sources or sub-sub-sources. This was the case with the first of the two dominant sources [in the previous paragraph].

“... **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.

“... 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.”²⁶⁶

653. Asked about the difficulty of obtaining intelligence on Iraq’s weapons of mass destruction programmes and capabilities, Sir John Scarlett told the Inquiry:

“... when we are talking about the nuclear or chemical or biological or missile programmes, we are talking about the most secret parts of what is already a highly secretive state. We are talking about secret parts which are highly compartmented. So you might achieve access to somebody who knows a lot about a particular ... programme, but by definition they are not going to have a broader picture.

“So you need a lot of such sources at a ground level to really get detailed information about the programme. And, of course, with WMD you have ... dual-use, where it is very difficult to interpret any information or intelligence that you acquire as to whether it is relevant to the programmes ...”²⁶⁷

654. Asked about intelligence on the thinking of the leadership and military commanders, Sir John stated:

“They were both very difficult ... [W]e did have ... some insight, we believed into the thinking of the leadership and the work done subsequently in Iraq after the conflict by the Iraq Survey Group would suggest that some of those insights were not far off reality.

²⁶⁶ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraphs 440-442.

²⁶⁷ Public hearing, 8 December 2009, page 31.

“The problem was ... that ... this was a highly autocratic state, where almost everybody revolved around the person, the thinking the behaviour and whims of the leader. So it was what was going on in his mind which was critical, and that was very difficult to fathom. And by his [Saddam Hussein’s] nature such a society generates, deliberately or not, obfuscation and uncertainty. Nobody quite knows what about what. There is a great deal of uncertainty of knowledge.

“So an individual, maybe a very senior military or civilian commander who you would normally expect to have quite a confident view of a particular issue or capability ... might not ... might say ... I don’t know about this, but ... a friend who does ... tells me ... and you wouldn’t really know whether that was true or not.”²⁶⁸

655. Sir John subsequently told the Inquiry:

“... taken overall, I think as of mid-March 2003 ... I think we said five lines [of HUMINT] by that stage ... [T]hat was a general statement which we were given by the agency [SIS]. It wasn’t something that reflected research and real knowledge on our part.”²⁶⁹

656. SIS1 told the Inquiry:

“I think there was a sense in Iraq where the leader wished to convey to a fearful regime and the people that he was powerful, that he had things up his sleeve, and that those who were responsible for various programmes wanted to convince the leader that work was continuing and that there were capabilities. It was not a well organised place. It was extremely repressive.

...

“And it was corrupt. So people told people up and down what they wanted to hear, and things which suited their ends.”²⁷⁰

657. The Inquiry asked SIS1 whether SIS sources and Iraqis in direct contact, for example, with the UN and Sir Jeremy Greenstock, who were saying, “we don’t have anything”, were telling the truth as they knew it then, or whether he thought some of them did suspect they had something but that was the party line. SIS1 replied:

“Many of them believed they had it, and in a way that was part of the picture that we were getting [...].”²⁷¹

658. Asked whether he thought there were any lessons, SIS1 observed, “we based a lot on not enough”.²⁷²

²⁶⁸ Public hearing, 8 December 2009, pages 32-33.

²⁶⁹ Private hearing, 5 June 2010, page 31.

²⁷⁰ Private hearing, 2010, pages 57-58.

²⁷¹ Private hearing, 2010, page 58.

²⁷² Private hearing, 2010, page 82.

659. In response to a question about the extent to which SIS had been obliged to rely on sources who were not WMD experts and the implications of that position, SIS4 confirmed SIS did not generally have agents with first-hand, inside knowledge of Iraq's nuclear, chemical, biological or ballistic missile programmes.²⁷³

660. Sir David Omand told the Inquiry:

"I think there were certainly people in the intelligence community, and there are still some, who believe that something will turn up in Syria, and I am certainly not going to break my own rules and say categorically that won't happen. We could all still be surprised. But there was a sense in which, because of past successes – very, very considerable successes supporting this Government, that SIS overpromised and underdelivered, and when that became clear that the intelligence was very hard to find ... they really were having to bust a gut to generate the intelligence.

"I think the Butler Committee really uncovered that the trade craft at that point wasn't as good as it should have been for validation ... that's one of the background reasons why people were very unwilling to actually conclude: no ... we may have miscalculated, or misassessed this."²⁷⁴

A LESSON LEARNED?

661. As the current version of *National Intelligence Machinery* explains, JIC Assessments put intelligence in the context of wider knowledge available and past judgements and historic evidence.²⁷⁵ They also need to try to understand, drawing on all sources at their disposal, the motivations and thinking of the intelligence targets and sources.

662. Reflecting the findings and recommendations of the Butler Review in relation to the nature of intelligence and the way in which it was used before the conflict in 2003, the document also states:

"Intelligence ... may by its nature be fragmentary or incomplete. It needs to be analysed in order to identify significant facts, and then evaluated in respect of the reliability of the information in order to allow a judgement to be made about the weight to be given to it before circulation either as single source reports or collated and integrated with other material as assessments.

"SIS and GCHQ evaluate and circulate mainly single source intelligence. The Security Service also circulates single source intelligence although its primary product is assessed intelligence. Defence Intelligence produces mainly assessed reports on an all-source basis ...

²⁷³ Private hearing, Part 1, page 68.

²⁷⁴ Public hearing, 20 January 2010, pages 63-64.

²⁷⁵ Cabinet Office, 19 November 2010, *National Intelligence Machinery*, page 24.

“Assessment should put intelligence into a sensible real-world context and identify elements that can inform policy-making. Evaluation, analysis and assessment thus transform the raw material of intelligence so that it can be assimilated in the same way as other information provided to decision-makers at all levels of Government.”²⁷⁶

663. The Cabinet Office document also states:

“Intelligence collected by the three [intelligence] Agencies is passed directly in the form of reports to customer departments in Government, where it informs and assists decision-making. It contributes with other sources of information to threat assessment work and other longer-term analysis and assessment. Intelligence reporting from the Agencies is also used to support field operations by the Armed Forces and the law enforcement agencies.”

“You can’t take good decisions unless you have good information and can separate facts from opinion and speculation.”²⁷⁷

Conclusions

664. The core construct that Saddam Hussein’s regime retained chemical and biological warfare capabilities, was determined to preserve and if possible enhance its capabilities, including at some point in the future a nuclear capability, and was pursuing an active policy of deception and concealment, underpinned the UK Government position that Iraq was a threat that had to be dealt with and it needed to disarm or be disarmed.

665. That remained the case up to and beyond the decision to invade Iraq in March 2003.

666. As the Report of the *Review of Intelligence on Weapons of Mass Destruction* (the Butler Report) stated:

“Intelligence on Iraqi nuclear, biological, chemical and nuclear programmes was used in support of the execution of ... [Government] policy on Iraq for three main purposes:

- **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.
- 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.**

²⁷⁶ Cabinet Office, 19 November 2010, *National Intelligence Machinery*, page 36.

²⁷⁷ Cabinet Office, 19 November 2010, *National Intelligence Machinery*, page 20.

- **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.”²⁷⁸

667. From October 2002 onwards, the JIC focused on two main themes:

- **Iraq’s attitude to the return of the inspectors and, from 8 November, its compliance with the specific obligations imposed by resolution 1441.**
- **Iraq’s options, diplomatic and military, including the possible use of chemical and biological weapons and ballistic missiles against Coalition Forces or countries in the region in either pre-emptive attacks or in response to a military attack.**

668. The way in which the assessments and intelligence on Iraq’s WMD were used in pursuit of the UK’s strategy towards Iraq is considered in Section 3.

669. In its Assessment of 18 December, the JIC made the judgements in the UK Government September dossier part of the test for Iraq.

670. The judgements about Iraq’s capabilities and intentions relied heavily on Iraq’s past behaviour being a reliable indicator of its current and future actions.

671. There was no consideration of whether, faced with the prospect of a US-led invasion, Saddam Hussein had taken a different position.

672. Mr Scarlett wrote on 30 January 2003 that Saddam Hussein had “followed essentially the same strategy and tactics as during the 1990s”.²⁷⁹

673. Mr Scarlett told No.10 on 17 March that the JIC was clear that Iraq possessed chemical and biological weapons, the means to deliver them, and the capacity to produce them.²⁸⁰ He stated that the starting point for those judgements was the “knowledge of Iraq’s past WMD programmes” which demonstrated “not only large-scale possession of these weapons, and the readiness to use them, but also Saddam’s determination to retain WMD”.

674. The absence of evidence of proscribed programmes and materials relating to the production or delivery of chemical, biological or nuclear weapons was attributed to Iraq’s ability to conceal its activities and deceive the inspectors and the difficulties which it had been anticipated the inspectors would encounter.

²⁷⁸ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 431.

²⁷⁹ Minute Scarlett to Manning, 30 January 2003, ‘Iraq: JIC Assessment and Personal Observations’.

²⁸⁰ Minute Scarlett to Manning, 17 March 2003, ‘Iraqi WMD: Evidence of Possession’.

675. Many of Iraq's perceived capabilities, such as relatively small, transportable or mobile facilities to produce chemical and biological agents or documentation left over from past programmes, were seen as likely to be difficult to find in a country the size of Iraq.

676. The JIC Assessment of 11 October 2002 stated that a good intelligence flow from inside Iraq, supporting tougher inspections, would be "central to success".²⁸¹

677. On 30 January 2003, Mr Scarlett wrote that it was odd that the Iraqi regime did not appear "to be worried about the obvious risk of leaks from the thousands of people aware of this concealment activity".²⁸² Mr Scarlett attributed that success to the "brutal discipline" of the regime.

678. Mr Scarlett stated that he continued:

"... to be struck by the regime's ability to conduct complex surveillance and deception operations without unforced errors or major slip ups. Co-ordinating the dispersal of materials and associated documentation around the country and fielding surprise UNMOVIC and IAEA visits to hundreds of sites in a few weeks is a complex undertaking and evidence of the regime's continuing grip on the population at least of central Iraq."

679. A key element of the Assessments was the reporting and intelligence on Iraq's intentions to conceal its activities, deceive the inspectors and obstruct the conduct of inspections, particularly Iraq's attitudes to preventing interviews with officials who were identified as associated with its proscribed programmes or who had been involved in Iraq's unilateral destruction of its weapons and facilities.

680. The large number of intelligence reports about Iraq's activities were interpreted from the perspective that Iraq's objectives were to conceal its programmes.

681. For instance, reporting in late November 2002 that Saddam Hussein was confident that inspectors would not find anything was interpreted as confidence that Iraq's policy of concealment would work, not as an indication that there was nothing to find.

682. In his minute to Sir David Manning of 17 March 2003, Mr Scarlett described UNMOVIC's failure to uncover significant chemical and biological weapons as "disappointing", but "not wholly unexpected".²⁸³

²⁸¹ JIC Assessment, 11 October 2002, 'Iraq: The Return of UN Inspectors'.

²⁸² Minute Scarlett to Manning, 30 January 2003, 'Iraq: JIC Assessment and Personal Observations'.

²⁸³ Minute Scarlett to Manning, 17 March 2003, 'Iraqi WMD: Evidence of Possession'.

683. Intelligence of 17 March 2003, that Saddam Hussein had not asked about chemical weapons or ordered their reassembly, was viewed in the context of a policy of concealment and the absence of chemical warheads for missiles rather than as an absence of the capability.

684. Similarly, Iraq's actions were consistently interpreted as indicative of deceit.

685. The ability to interview scientists and engineers involved in past programmes or involved in Iraq's unilateral destruction of weapons and materials was increasingly seen as the key to identifying Iraq's deception and the litmus test for Iraqi co-operation.

686. As Mr Straw told the FAC on 4 March 2003, interviews would "expose the regime's deception and its stockpile of weapons".²⁸⁴

687. The Government's focus on this issue intensified in early 2003 with the failure to find evidence of Iraqi chemical, biological and nuclear programmes.

688. The decision to include provision for interviews inside and outside Iraq in resolution 1441 (2002), and the subsequent discussion about the conduct of such interviews, are described in Sections 3.5 to 3.8. These Sections show the UK recognised that a policy of interviews outside Iraq would be difficult to implement.

689. Dr Blix had initially expressed reservations about interviewing Iraqi personnel outside Iraq but on 7 March he told the Security Council that he would be requesting such interviews "shortly".

690. Mr Blair told the Inquiry that Saddam Hussein:

"... was deliberately concealing documentation, and ... he was deliberately not allowing people to be interviewed properly.

"In December 2002 ... we received information, and this information remains valid, that Saddam called together his key people and said that anybody who agreed to an interview outside of Iraq was to be treated a spy."²⁸⁵

691. Mr Blair added:

"... the reason for that is very simple, and it emerges from the Iraq Survey Group report. He retained full intent to restart his programme, and, therefore, it was very important for him that interviews did not take place, because the interviews with senior regime members were precisely what would have indicated the concealment and the intent."²⁸⁶

²⁸⁴ Minutes, Foreign Affairs Committee (House of Commons), 4 March 2003, [Evidence Session].

²⁸⁵ Public hearing, 29 January 2010, page 104.

²⁸⁶ Public hearing, 29 January 2010, pages 104-105.

692. There were, of course, other reasons why an insecure regime, convinced that past inspections had been used for espionage and facing military attack, would want to limit the conversations key personnel were having with foreigners while military action was threatened.

693. Asked whether the intelligence on Saddam Hussein's strategy for dealing with inspections reinforced the view that there really was something to hide, SIS1 told the Inquiry:

"I think they looked guilty as hell. In a way it's a sort of spectacular miscalculation, and I think it's partly because of their paranoia about being open to hostile scrutiny, and partly because they had stuff to hide, but not necessarily what the inspectors were looking for. From military secrets to, as I mentioned before, embargo breaking, but on things that would not have been prohibited as part of the programmes.

"So there was quite a lot of evidence of the unco-operative and mule-headed and crude efforts to make the inspectors' life more difficult. Demonstrations, car crash, you know, traffic problems and heavy surveillance.

...

"Yes, and it seemed to form part of a consistent picture, allowing for the fact that there was a certain assumption in the first place about what that picture was."²⁸⁷

694. From early 2003, the Government drew heavily on the intelligence reporting of Iraq's activities to deceive and obstruct the inspectors to illustrate its conclusion that Iraq had no intention of complying with the obligations imposed in resolution 1441.

695. The Government also emphasised the reliability of the reporting.

696. The briefing provided by SIS1 for Mr Blair to use in his interview on *BBC's Breakfast with Frost* programme on 26 January was one instance. Much of the same material was used in the No.10 dossier published on 3 February.

697. Mr Straw set out similar arguments in his statement to the FAC on 4 March in which he referred to an "elaborate screen of concealment based on intimidation and deception".

698. In conversations with key allies and public statements by both Ministers and senior officials, including Sir Jeremy Greenstock's presentations to the Security Council in February and March 2003 and the visit by Sir David Manning and Mr Scarlett to Mexico and Chile which are described briefly in this Section, the UK emphasised that its intelligence on Iraq's capabilities and intentions was reliable and well sourced.

²⁸⁷ Private hearing, 2010, page 56.

699. The Butler Report stated:

“... there was throughout this period a substantial volume of intelligence reports on Iraqi deceptions and concealment activities, coupled with – as UNMOVIC reported – a lack of active co-operation with the inspectors. There were also the UNMOVIC discoveries ... Even so, we are surprised that neither policy-makers nor the intelligence community ... 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 seem 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.”²⁸⁸

700. In his minute of 11 February issuing guidance on the use of intelligence in CIC products, Sir David Omand pointed out that “the reputation of the intelligence community” was “at risk” whenever intelligence material and judgements were “attributed to the Government”.²⁸⁹

701. The reputation of the Government was equally at risk whenever it used material from the intelligence community as evidence in support of its policy.

702. The JIC’s judgement from August 2002 until 19 March 2003 remained that Iraq might use chemical and biological weapons in response to a military attack.

703. Despite the lack of firm intelligence about Iraqi plans, the JIC continued to judge that Iraq might use chemical and biological weapons. The JIC did not, however, address the tension between that judgement and its judgement that Saddam Hussein’s primary objective was the survival of his regime.

704. In addition, although the quantity of chemical and biological weapons and material which was unaccounted for, or could have been produced, since 1998 was significant, it was much less than Iraq had possessed in 1991 and would have been of limited utility on the battlefield against the Coalition, as the evidence on military planning set out in Sections 6.1 to 6.3 demonstrates.

705. Iraq’s ability to use chemical or biological weapons to pose a threat to countries in the region would have depended on having an effective means of delivery, which was questionable.

²⁸⁸ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 362.

²⁸⁹ Minute Omand to Campbell, 11 February 2003, ‘The Use of Intelligence in CIC Products’.

706. The JIC Assessment of 19 March 2003 recognised that Iraq's ability to use chemical or biological weapons was likely to be limited.

707. Iraq's statements that it had no weapons or programmes were dismissed as further evidence of a strategy of denial.

708. In addition, the extent to which the JIC's judgements depended on inference and interpretation of Iraq's previous attitudes and behaviour was not recognised.

709. At no stage was the hypothesis that Iraq might not have chemical, biological or nuclear weapons or programmes identified and examined by either the JIC or the policy community.

710. After its 9 September 2002 Assessment, the JIC was not asked to review its judgements on Iraq's capabilities and programmes which underpinned UK thinking. Nor did the JIC itself suggest such a review.

711. As a result there was no formal reassessment of the JIC judgements, and the 9 September Assessment and the 24 September dossier provided part of the baseline for the UK Government's view of Iraq's capabilities and intentions on its chemical, biological, nuclear and ballistic missile programmes.

712. The inspections revealed in early 2003 that Iraq had undoubtedly been pursuing a range of proscribed activities which it was keen to conceal, including enhancements to its ballistic missile capabilities and procurement or attempted procurement of dual-use items that could have had a use in the production of chemical and biological agents. It also wanted to preserve its conventional capabilities.

713. But the inspectors were also reporting that they had not found any evidence of current chemical, biological or nuclear weapons programmes in Iraq.

714. Dr Blix reminded Mr Blair on 6 February that UNSCOM had said material was unaccounted for, not that it was present in Iraq. He made the same point in his report to the Security Council on 14 February, adding that if the material did not exist, "credible evidence to that effect" was needed.

715. The dismissal of Iraq's persistent denials that it had retained weapons of mass destruction has to be considered in the context that past Iraqi statements had often been shown to be untrue. The evidence of other proscribed activities may have served to reinforce confidence in the intelligence and in UK assessments about Iraq's other activities.

716. Given the weight which rested on the JIC's judgements about Iraq's possession of WMD and its future intent for the decision in March that military action should, if necessary, be taken to disarm Iraq, a formal reassessment of the JIC's judgements should have taken place.

717. This might have been prompted by Dr Blix's report to the Security Council on 14 February 2003, which demonstrated the developing divergence between the assessments presented by the US and the UK. Dr Blix's report of 7 March, which challenged the view that Iraqi behaviour was preventing UNMOVIC from carrying out its tasks, should certainly have prompted a review.

718. Mr Scarlett and Sir David Manning discussed the JIC's priorities and the need to retest the standing judgements on 3 January 2003.²⁹⁰ They did not include Iraq's WMD programmes and its intentions to use WMD.

719. Sir David Manning rightly sought advice on the strength of the evidence showing Saddam Hussein's possession of WMD, to which Mr Scarlett responded on 17 March.

720. But as the Butler Report stated, after the JIC's initial assessment of Iraq's declaration on 18 December:

"Thereafter, despite its importance to the determination of whether Iraq was in further material breach of its disarmament obligations ... the JIC made no further assessment."²⁹¹

721. The Butler Report added:

"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 and nature of the declaration were subsequently borne out. Even so, we find it odd that ... the JIC produced no further assessment."²⁹²

722. Mr Tim Dowse, Head of the FCO Non-Proliferation Department, from January 2001 to November 2003, told the Inquiry:

"... from the end of 2002 ... almost up until the invasion, we were getting a fairly steady stream of quite sort of low level intelligence, operational reports, reports coming from military sources ... about Iraqi concealment activities ... which ... had we subjected them to the JIC analytical process might have been regarded as not very strong. Collectively ... every few days getting more of this rather confirmed us in our view that, if the inspections could be pursued with a little more vigour, a little more skill, that things were there and could be found."²⁹³

²⁹⁰ Minute Scarlett to Miller, 3 January 2003, 'Iraq: Questions for the JIC'.

²⁹¹ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 363.

²⁹² *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 364.

²⁹³ Public hearing, 25 November 2009, pages 94-95.

723. Asked whether there had been a challenge to the intelligence and if he was absolutely sure that there was not another way of explaining the material, Mr Blair told the Inquiry:

“When you are Prime Minister and the JIC is giving this information, you have got to rely on the people doing it, with experience and with commitment and integrity, as they do. Of course, now, with the benefit of hindsight, we look back on the situation differently.”²⁹⁴

724. Responding to a question about why there might have been an unwillingness to conclude the intelligence had been misassessed, Sir John Scarlett told the Inquiry:

“I think ... the situation in January and February 2003, when UNMOVIC were not finding things, and so the reaction might have been: well, why is that? But the reaction was: well it's there. This just goes to show that UNMOVIC aren't much use and we will find it.”²⁹⁵

725. Mr Miller acknowledged that the 18 December 2002 Assessment of the Iraqi declaration was “rooted in the intelligence view about the extent of his possession and continuing programme”.²⁹⁶ If the Assessments Staff had known then what they knew about the reliability of the intelligence reporting in July 2004, Mr Miller thought “there would still have been some serious reservations ... but that they would have been less pronounced than they were at the time.”

726. Sir John Scarlett took a more cautious view, pointing out the nature of the requirements on Iraq and its failure to address in the declaration that it had unilaterally destroyed its agent stockpile in 1991 without telling anyone or that it had destroyed the Al Hussein missiles in 1992. They had also said nothing about the work on missiles:

“So there would have been a whole series of points where the declaration would have been found to be ... not conforming with resolution 1441.”²⁹⁷

727. Sir John told the Inquiry that his:

“... own mindset ... up until early March at least, was that intelligence was being borne out by what was being found by UNMOVIC. My state of mind wasn't: oh gosh, UNMOVIC aren't finding things, therefore there's something big that is wrong.

“Now, if we had continued and had more time, and this hadn't all come to an end in the middle of March, of course that would have changed.”²⁹⁸

²⁹⁴ Public hearing, 2 February 2010, page 82.

²⁹⁵ Private hearing, 5 May 2010, page 36.

²⁹⁶ Private hearing, 5 May 2010, page 37.

²⁹⁷ Private hearing, 5 May 2010, pages 37-38.

²⁹⁸ Private hearing, 5 May 2010, page 39.

728. Mr Miller added:

“... there was a flow of intelligence to the inspectors which in some cases ... led to discoveries ... and in cases where it didn’t, it simply wasn’t possible for us to reach a firm view on whether the deficiency was in the intelligence or in the ability to move fast enough in Iraq to have uncovered what was said to have been concealed.”²⁹⁹

729. The problems were not confined to the UK. The US Senate Select Committee on Intelligence report on the *U.S. Intelligence Community’s Prewar Intelligence Assessments on Iraq*, published on 9 July 2004, concluded:

“The intelligence community suffered from a collective presumption that Iraq had an active and growing WMD program. This “group think” led intelligence community analysts, collectors and managers to both interpret ambiguous evidence as conclusively indicative of a WMD program and to ignore or minimise evidence that Iraq did not have active and expanding weapons of mass destruction programs. This presumption was so strong that formal mechanisms established to challenge assumptions and group think were not used.”³⁰⁰

730. In the context of the lessons from the preparation of the September 2002 dossier, the Inquiry identified in Section 4.2 the benefits of separating the responsibility for assessment of intelligence from the responsibility for setting out the arguments in support of a policy.

731. The evidence in this Section reinforces that lesson. It shows that the intelligence and assessments made by the JIC about Iraq’s capabilities and intent continued to be used to prepare briefing material to support Government statements in a way which conveyed certainty without acknowledging the limitations of the intelligence.

732. In the context of its examination of the role of the JIC in the preparation of the September 2002 dossier, the Butler Review commented:

“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 a 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

²⁹⁹ Private hearing, 5 May 2010, page 39.

³⁰⁰ Select Committee on Intelligence, 9 July 2004, *Report of the Select Committee on Intelligence on the U.S. Intelligence Community’s Prewar Intelligence assessments on Iraq*.

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.”³⁰¹

733. The Inquiry asked Sir David Omand whether the involvement of Mr Scarlett and Sir Richard Dearlove, as part of Mr Blair’s circle of close advisers, had risked breaching the distinction between provision of intelligence and the formulation of policy, and whether they had become too involved in the making and selling of policy.

734. Sir David Omand told the Inquiry that the “golden rule” for the Chairman of the Joint Intelligence Committee should be that: “he would deliver the views of the Joint Intelligence Committee, he would never venture a view on the policy even if asked”.³⁰²

735. Asked if it had been difficult to maintain the separation between intelligence and policy, Sir John Scarlett replied:

“I cannot recall worrying about this at the time in a deep way. Obviously I, we worried about it because we understood that it was necessary to ensure that the public assessment was consistent with what was being said in the classified assessments, and so that discipline was very strong within us, and in ways that have been discussed many times, we sought to protect ourselves against ...”³⁰³

736. Sir John added:

“So I do not recall worrying about it in a deep way or in the sense that it was something which I or we couldn’t control. It was something to which we had to pay very close attention, both through the procedures and processes we followed, and by the way we reached our judgments. But I never felt that I was not in control of the process, and I have said that on quite a number of occasions.”

737. The independence and impartiality of the JIC remains of the utmost importance.

738. As the FAC report in July 2003 pointed out, the late Sir Percy Cradock, Chairman of the JIC from 1985 to 1992, wrote in his history of the JIC that:

“Ideally, intelligence and policy should be close but distinct. Too distinct and assessments become an in-growing, self-regarding activity, producing little or no work of interest to the decision-makers ... Too close a link and policy begins to play back on estimates, producing the answers the policy makers would like ... The

³⁰¹ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, paragraph 327.

³⁰² Public hearing, 20 January 2010, pages 61-62.

³⁰³ Private hearing, 5 May 2010, page 44.

analysts become courtiers, whereas their proper function is to report their findings ... without fear or favour. The best arrangement is intelligence and policy in separate but adjoining rooms, with communicating doors and thin partition walls ...”³⁰⁴

739. Mr Straw told the FAC in 2003:

“The reason why we have a Joint Intelligence Committee which is separate from the intelligence agencies is precisely so that those who are obtaining the intelligence are not then directly making the assessment upon it. That is one of the very important strengths of our system compared with most other systems around the world.”³⁰⁵

740. The FAC endorsed those sentiments.³⁰⁶ It stated that the JIC has a “vital role in safeguarding the independence and impartiality of intelligence”; and that the “independence and impartiality of its own role” was “of the utmost importance”. It recommended that Ministers should “bear in mind at all times the importance of ensuring that the JIC is free of all political pressure”.

741. In its response to the FAC, the Government stated:

“We agree. The JIC plays a crucial role in providing the Government with objective Assessments on a range of issues of importance to national interests.”³⁰⁷

³⁰⁴ Cradock, Sir Percy. *Know your enemy – How the Joint Intelligence Committee saw the World*. John Murray, 2002.

³⁰⁵ Ninth Report from the Foreign Affairs Committee, Session 2002-2003, 7 July 2003, *The Decision to go to War in Iraq*, HC 813-1, paragraph 153.

³⁰⁶ Ninth Report from the Foreign Affairs Committee, Session 2002-2003, 7 July 2003, *The Decision to go to War in Iraq*, HC 813-1, paragraphs 156-157.

³⁰⁷ Foreign Secretary, *The Decision to go to War in Iraq. Response of the Secretary of State for Foreign and Commonwealth Affairs*, November 2003, Cm6062, paragraph 27.

SECTION 4.4

THE SEARCH FOR WMD

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Introduction and key findings

1. This Section addresses:

- the post-invasion search for evidence of weapons of mass destruction (WMD) in Iraq;
- the Government's response to the failure to find stockpiles of WMD in Iraq;
- demands for an independent judge-led inquiry into pre-conflict intelligence on Iraq's WMD and the decision to establish the Butler Review; and
- the Government's involvement with the preparation and publication of the series of reports produced by the Iraq Survey Group.

2. This Section summarises, but does not include, detailed comment on findings relating to pre-conflict intelligence on Iraqi WMD and the post-conflict search for WMD published between 2003 and 2005 by:

- the House of Commons Foreign Affairs Committee;
- the Intelligence and Security Committee of Parliament;
- the Hutton Inquiry;
- the Butler Review;
- the Iraq Survey Group;
- the US Senate Committee on Intelligence; and
- the US Commission on Intelligence Capabilities.

3. The pre-invasion intelligence on Iraqi WMD and the withdrawal three lines of reporting by the Secret Intelligence Service in 2003 and 2004 are addressed in Sections 4.1, 4.2 and 4.3.

Key findings

- The search for evidence of WMD in Iraq was started during the military campaign by Exploitation Task Force-75 and was carried forward from June 2003 by the Iraq Survey Group (ISG). The UK participated in both. By June 2004, the ISG had a staff of 1,787, of whom 54 came from the UK.
- As the insurgency developed, the ISG's operating conditions became increasingly difficult. There was competition for resources between counter-terrorism operations and the search for WMD evidence, and some ISG staff were diverted to the former.
- Mr Blair took a close interest in the work of the ISG and the presentation of its reports and the wider narrative about WMD. He raised the subject with President Bush.
- The Government was confident that pre-conflict assessments of Iraq's WMD capabilities would be confirmed once Saddam Hussein's regime had been removed.
- It quickly became apparent that it was unlikely that significant stockpiles would be found. This led to challenges to the credibility of both the Government and the intelligence community.

- There were soon demands for an independent judge-led inquiry into the pre-conflict intelligence.
- The Government was quick to acknowledge the need for a review, rejecting an independent inquiry in favour of reviews initiated by the House of Commons Foreign Affairs Committee (FAC) and the Intelligence and Security Committee of Parliament (ISC).
- The Government's reluctance to establish an independent public inquiry became untenable in January 2004 when President Bush announced his own decision to set up an independent inquiry in the US.
- Faced with criticism of the pre-conflict intelligence and the absence of evidence of a current Iraqi WMD capability, Mr Blair sought to defend the decision to take military action by emphasising instead:
 - Saddam Hussein's strategic intent;
 - the regime's breaches of Security Council resolutions; and
 - the positive impact of military action in Iraq on global counter-proliferation efforts.
- The ISG's principal findings – that Iraq's WMD capability had mostly been destroyed in 1991 but that it had been Saddam Hussein's strategic intent to preserve the capability to reconstitute his weapons of mass destruction – were significant, but did not support statements made by the UK and US Governments before the invasion, which had focused on Iraq's current capabilities and an urgent and growing threat.
- The explanation for military action put forward by Mr Blair in October 2004 drew on the ISG's findings, but was not the explanation given before the conflict.

Planning and preparation for the post-conflict search for WMD

4. In February 2003, Mr Geoff Hoon, the Defence Secretary, approved UK participation in a US-led rehearsal for the post-conflict search for evidence of WMD in Iraq.

5. Before approving UK participation in the search itself, Mr Hoon requested advice on how to ensure the impartiality of the exercise, including through the possible early involvement of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA).

6. During and immediately after the invasion of Iraq, the search for WMD was the responsibility of Exploitation Task Force-75 (XTF-75), a US-led military unit, with small UK and Australian contingents.¹

7. XTF-75 was deployed to carry out Sensitive Site Exploitation (SSE), a military term for the exploitation of "personnel, documents, electronic files, and material captured at the site, while neutralizing the site or any of its contents".

¹ Vandal T et al. *The Strategic Implications of Sensitive Site Exploitation*. National Defense University, National War College, 2003.

8. Officials had begun to consider the UK contribution to SSE in early February 2003.
9. On 4 February, Mr Tim Dowse, Head of FCO Non-Proliferation Department (NPD),² chaired a meeting with officials from the Secret Intelligence Service (SIS) and the Ministry of Defence (MOD) to discuss post-conflict WMD issues and the possible role of UNMOVIC.³
10. The MOD outlined US plans for intelligence exploitation and clean-up over a period of several years, and explained that the plans envisaged unilateral action by the US with no role for the UN or other UN Member States.
11. Participants at the meeting agreed that it was very unlikely that US views could be shifted significantly, but that the US must be made aware of the potential value of internationalising the clean-up.
12. On 10 February, Mr David Johnson, Head of MOD Iraq Secretariat, sent Mr Hoon briefing for a visit to Washington (see Section 6.2).⁴ The briefing included a paper on “dealing with WMD”.
13. Mr Johnson stated that there had been a good deal of “military-to-military” planning between the UK and the US on WMD, and that the UK had identified the specialist contributions it could make at various stages during and after the conflict.
14. The attached paper on WMD stated that SSE required specialist expertise that was “in very short supply”. To secure maximum value from scarce resources, the US planned to establish a Coalition Intelligence Exploitation Base (IEB) in southern Iraq reporting to Lieutenant General David McKiernan, Commander of the Coalition Forces Land Component Command (CFLCC). IEB capabilities would include:
 - Site Survey Teams for initial analysis of sites secured by ground forces;
 - Mobile Exploitation Teams to collect evidence;
 - Disablement Teams to put facilities out of action;
 - laboratories to verify and catalogue evidence; and
 - elimination and disposal of WMD.
15. The paper stated that SSE was important to the UK for two reasons:
 - achieving the UK’s prime objective of eliminating Iraq’s WMD; and
 - securing the hard evidence needed retrospectively to demonstrate the case for military action, especially if it were to take place without UN authorisation.

² Non-Proliferation Department (NPD) was renamed Counter-Proliferation Department (CPD) in 2003.

³ Minute NPD [junior official] to Dowse, 5 February 2003, ‘Iraq: Aftermath: WMD Clean-up’.

⁴ Minute Johnson to PS/Secretary of State [MOD], 10 February 2003, ‘Secretary of State’s Visit to Washington: Iraq.’

16. The paper stated that it was in the UK's interest to contribute and that the US was "very keen" for it to do so. But the UK needed to be clear that its willingness to help was conditional on resolving two issues:

- “• ‘Impartiality mechanisms’ to ensure that Coalition activity has international credibility.
- The involvement of UNMOVIC and the IAEA once the situation is stable; as with the aftermath generally, the Pentagon's hang-ups about the UN are getting in the way of common sense and our long-term interests.”

17. The paper stated that, if those conditions were met, during the conflict the UK should contribute:

- liaison officers in the IEB and the CFLCC SSE Fusion Cell;
- a Squadron HQ of the Joint NBC (Nuclear Biological Chemical) Regiment;
- a Battlefield Intelligence Recovery Team of Defence Intelligence Staff (DIS) and Explosive Ordnance Disposal (EOD) personnel;
- a DIS counter-terrorism expert;
- an RAF Provost⁵ and Security Services Forensic Science Team to interrogate computer hardware; and
- seven scientists with a mobile laboratory to provide a limited analytical capability.

18. Additional contributions could be made on an on-call basis through Air Marshal Brian Burridge, the UK National Contingent Commander (NCC).

19. In the post-conflict phase, the UK could contribute the Joint NBC Regiment HQ, detection assets and other Specialist Monitoring Teams.

20. Mr Hoon discussed the UK's objectives and its potential contribution to the search for WMD with Mr Donald Rumsfeld, the US Secretary of Defense, and Dr Condoleezza Rice, President Bush's National Security Advisor, in Washington on 12 February (see Section 6.5).⁶

21. The British Embassy Washington reported agreement that "broad UN cover for day after management in Iraq would bring political, financial and legal benefits" and would "facilitate an UNMOVIC and IAEA role in verifying WMD clear-up".

22. During the talks, Mr Jack Dyer Crouch II, Assistant Secretary of Defense (International Security Policy), told Mr Hoon that Iraqi scientists would be key to identifying the whereabouts of Iraq's WMD. Because the public in the US and elsewhere would expect early results, there would be "a heavy forensic input" at the start of the programme.

⁵ A member of the RAF Police (RAFP).

⁶ Telegram 204 Washington to FCO London, 13 February 2003, 'Iraq: Defence Secretary's Visit to Washington: Day After Management'.

23. Mr Crouch also agreed with Mr Hoon that UNMOVIC and the IAEA should help verify WMD discoveries in order to counter speculation that they had been planted.

24. On 17 February, the Permanent Joint Headquarters (PJHQ) informed Mr Hoon of the deployment the next day of 74 personnel to participate in SSE “mission rehearsal training” in Kuwait, and that up to 92 more personnel assigned to military operations in Iraq might be “co-opted” to participate in SSE operations as necessary.⁷

25. PJHQ stated that the priority was to ensure that any UK contribution:

- was coherent with wider policy objectives;
- did not put at risk the response to any chemical, biological, radiological and nuclear (CBRN) incident in the UK;
- was “efficient and effective”: no more than needed to achieve the UK’s aim and support the US; and
- took account of the significant Home Base and Force Protection demands on the UK’s EOD and CBRN resources.

26. Mr Hoon approved the deployment of 74 UK personnel.⁸ With planning “still at an early stage”, he asked for further advice on SSE operations after the rehearsal, including on:

- operational management of specialists in the SSE teams, including those from other agencies;
- “impartiality mechanisms”, including the early involvement of UNMOVIC and the IAEA; and
- evidence handling procedures.

PJHQ was also asked to reiterate to the US the UK’s concerns about impartiality.

27. Mr Hoon requested that further Ministerial approval be sought for the participation of additional personnel.

⁷ Minute Johnson to PS/Secretary of State [MOD], 17 January [sic] 2003, ‘Iraq: UK Contribution to Sensitive Site Exploitation’.

⁸ Minute Williams to PJHQ-Dep Hd Pol/Ops(ME), 18 February 2003, ‘Iraq: UK Contribution to Sensitive Site Exploitation’.

Operation ROCKINGHAM

The MOD Defence Intelligence Staff (DIS) set up Operation ROCKINGHAM to provide the focus for UK intelligence support to UN disarmament activities in Iraq established under resolution 687 (1991).⁹

An Op ROCKINGHAM cell in the DIS continued to exist after UN inspectors withdrew from Iraq in December 1998, but was reduced to a single member of staff who maintained a watching brief on matters related to possible future UN inspections in Iraq.¹⁰

The cell was subsequently expanded to provide UNMOVIC and the IAEA “with all-source UK intelligence assessments on the extent of Iraq’s nuclear, biological, chemical and ballistic missile programmes and information about sites of potential significance”.

In mid-March 2003, the Op ROCKINGHAM cell was expanded to encompass the results of SSE and “WMD/delivery-related information from the DIS in-theatre Battlefield Intelligence Recovery Team”.¹¹

28. On 17 March, after the failure of the Security Council to agree a “second” resolution on Iraq (see Section 3.8), Mr Kofi Annan, the UN Secretary-General, announced the withdrawal of all UN staff from the country.¹²

29. UNMOVIC and the IAEA suspended inspections in Iraq on 18 March.¹³

30. Admiral Sir Michael Boyce, Chief of the Defence Staff (CDS), issued the Execute Directive authorising UK military operations in Iraq on 18 March.¹⁴

31. The Execute Directive included an instruction to Lieutenant General John Reith, Chief of Joint Operations (CJO), to:

- “Support international efforts to find and eliminate Iraqi WMD capacity, its means of delivery and infrastructure”; and
- “... to provide support, as appropriate, to SSE activities during Phase 3 operations, but this must not be detrimental to overall FP [force posture] adopted”.

⁹ Letter Andrews to Cabinet Office [junior official], 18 March 2003, ‘Bowen Group: Iraq WMD/Delivery Systems – Expanded Role for ROCKINGHAM’.

¹⁰ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898, page 90.

¹¹ Letter Andrews to Cabinet Office [junior official], 18 March 2003, ‘Bowen Group: Iraq WMD/Delivery Systems – Expanded Role for ROCKINGHAM’.

¹² UN News Centre, 17 March 2003, *Annan to withdraw UN staff from Iraq*.

¹³ UN Security Council, 30 May 2003, ‘Thirteenth quarterly report of the Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission’ (S/2003/580); IAEA.org, ‘INVO and Iraq Chronology’.

¹⁴ Minute CDS to CJO, 18 March 2003, ‘Op TELIC: Authorisation for Military Operations in Iraq’ attaching paper ‘Chief of Defence Staff Execute Directive to the Joint Commander for Operation TELIC (Phases 3 and 4)’.

32. The UK Military Campaign Objectives, published on 20 March, stated that the main tasks of the Coalition included:

- denying the Iraqi regime the use of weapons of mass destruction now and in the future;
- removing the Iraqi regime, given its clear and unyielding refusal to comply with the UN Security Council's demands; and
- identifying and securing the sites where weapons of mass destruction and their means of delivery were located.¹⁵

33. The list of “immediate military priorities” in the wake of hostilities included “work with UNMOVIC and the IAEA to rid Iraq of its WMD”.

34. On 17 March, Mr John Scarlett, Chairman of the Joint Intelligence Committee (JIC), sent Sir David Manning, Mr Blair's Foreign Policy Adviser and Head of the Cabinet Office Overseas and Defence Secretariat (OD Sec), a minute addressing the different elements of Iraq's capability, including Iraq's actions since the departure of the inspectors in 1998 to pursue chemical and biological weapons programmes, and Iraq's activities to pursue enhanced ballistic missile and other means to deliver them.¹⁶

35. In a Note produced on 19 March, the JIC continued to assess that Iraq had usable chemical and biological weapons and the intent to use them.¹⁷

36. The UK assessments of Iraq's WMD capabilities and intent and their evolution between 2000 and March 2003 are addressed in detail in Sections 4.1, 4.2 and 4.3.

37. In a discussion with President Bush on 24 March, Mr Blair underlined the importance of Coalition Forces finding Saddam's WMD.¹⁸

38. At the end of March, Mr Scarlett set out for No.10 the Assessments Staff view of what the Coalition might find in Iraq, including that:

- **the bulk of the sites that might yield results were located in the Baghdad area; and**
- **most had been “cleansed over the preceding six to nine months”.**

39. Mr Scarlett set out the views of the Assessments Staff on what “WMD” the Coalition “should expect to discover, when and how”, in a minute to Sir David Manning on 31 March.¹⁹

¹⁵ Iraq: Military Campaign Objectives, 18 March 2003.

¹⁶ Minute Scarlett to Manning, 17 March 2003, ‘Iraqi WMD: Evidence of Possession’.

¹⁷ Note JIC, 19 March 2003, ‘Saddam: The Beginning of the End’.

¹⁸ Letter Rycroft to McDonald, 24 March 2003, ‘Iraq: Prime Minister's telephone conversation with President Bush, 24 February [sic]’.

¹⁹ Minute Scarlett to Manning, 31 March 2003, ‘Iraq: Update on WMD’.

40. Mr Scarlett wrote:

Chemical Weapons

- “Iraq is capable of producing the chemical agents mustard gas, tabun, sarin, cyclosarin and VX.”
- “Exact quantities of agent available are unknown, but we judge it is likely to be between 10 and 100 tonnes (3.5 tonnes of nerve agent would fill 1,000 artillery shells). We continue to judge that Iraq has produced chemical agent since UNSCOM [UN Special Commission] left in 1998, although intelligence suggests that agent production stopped prior to UNMOVIC’s deployment last autumn. We do not know where this activity took place, but it is probable that it used dual-use chemical facilities.”
- “We know from intelligence that the regime expended a great deal of effort in cleaning up all WMD associated sites, and dispersing equipment and material in advance of UN inspections.”
- “Details on chemical munitions are scarce. UNSCOM could not account for over 30,000 special munitions (both chemical and biological) although it is unlikely that all of these remain.”
- “We judge the most likely delivery means are artillery and battlefield rockets. [Reference to reporting of retention of shells] mustard filled artillery shells from a batch of 550 supposedly destroyed by Coalition air attack in 1991 ...”
- “Other means of delivery include aerial bombs, sprayers and missiles. UNMOVIC could not account for 6,500 aerial bombs (which could easily be hidden in a large hangar).”
- “Despite some reports that such munitions have been deployed to Republican Guard units, we judge that they probably remain under tight control ... in the area of Baghdad.”
- “Over last few days there have been a number of reports concerning chemical weapons ... But the nature of the sources makes the veracity ... difficult to judge.”
- A “few reports from senior Iraqi security officials” suggested that Iraq could not “prepare or produce chemical weapons”, and that its stocks were “dispersed, and that therefore such weapons will not be used”.
- “In assessing these statements it is necessary to take into account the limited access these individuals appear to have to military planning, their lack of technical expertise and accompanying comments which are less credible.”

Biological Weapons

- Iraq was “capable of producing biological agents, including anthrax, botulinum toxin, aflatoxin and ricin”.

- “The exact quantities of agent and munitions available are unknown.”
- “We have no intelligence that biological munitions have been deployed.”
- The location of mobile production facilities was not known, but they were “likely to be within areas tightly controlled by the regime”.

Missiles

- The UK was “still unclear” about the “state of readiness/assembly” of up to 20 Al Hussein missiles “or the numbers of launchers available. Some or all of these missiles could have been dismantled to aid concealment. While we believe Iraq retains the technical expertise to maintain and re-assemble ... the speed with which this can be achieved depends on the extent to which they have been disassembled, and the degree to which they might need access to specialised equipment.”

Sensitive Site Exploitation

- “The bulk of the sites which might yield results are located in the Baghdad area. But ... most sites previously associated with WMD production have been cleansed over the last six to nine months.”
- The JIC continued to judge that “key documents on Iraqi WMD programmes” had been “dispersed”.
- “Given the recent Iraqi emphasis on clean-up, dispersal and concealment, the best prospect of exposing the full extent of the WMD programmes rests in free contact with scientists, and other individuals, involved in the WMD programmes and the (extensive) concealment activity ...”

41. Sir David Manning commented to Mr Blair and Mr Jonathan Powell, Mr Blair’s Chief of Staff:

“Chances of finding WMD evidence slim before Baghdad falls and/or regime collapses.”²⁰

42. On 3 April, SIS reissued to Mr Scarlett and a wider readership, two reports, from 11 and 23 September 2002, stating that Iraq had continued production of chemical weapons (CW) after 1998.

43. The content and provenance of those reports, and their subsequent withdrawal, is addressed in Section 4.3.

²⁰ Manuscript comment Manning on Minute Scarlett to Manning, 31 March 2003, ‘Iraq: Update on WMD’.

Possible find of CBW agents

On 7 April, *The New York Times* reported that US troops had found several drums near Karbala that might contain nerve agents and mustard gas.²¹

Mr Hoon's Private Office informed No.10 that initial US tests had "indicated the presence of nerve and blister agents, but the chemicals could yet prove innocuous".²²

Four duplicate sets of samples would be taken from the drums by a specialist US team, one of which would be passed to the UK. Perceptions of the sampling process would be hugely important to the Iraq campaign. Openness and independent verification would be a counter to those ready to believe evidence had been faked. The UK would:

"... press US colleagues for their sampling process to include additional samples that can be passed to independent laboratories, and for sites to be maintained as 'scenes of crimes' so that third parties can verify there was no undue Coalition interference. Verification by a suitable non-Coalition laboratory will be essential if the results are to be credible in international (and domestic) opinion. There is clearly a role here for UNMOVIC or a successor organisation."

Mr Scarlett informed the Ad Hoc Meeting on Iraq on 8 April that there was no definitive information about the find by Coalition Forces of material which could be chemical and biological warfare agent.²³

Mr John Prescott, the Deputy Prime Minister, who was chairing the meeting in Mr Blair's absence, concluded that opportunities to conduct interviews with scientists who had been engaged on Iraq's WMD programmes should be "pursued when the fighting stopped".

44. Concluding discussion at the Ad Hoc Meeting on Iraq on 9 April, Mr Blair stated that the proposition that the UN weapons inspectors should return to Iraq could not be decided at present.²⁴

45. When Mr Blair spoke to President Bush on 10 April, they discussed the need to warn Syria not to give refuge to regime figures or to scientists who knew about Iraq's WMD.²⁵

46. In mid-April, Sir David Manning advised Mr Blair of the need for a coherent plan and greater urgency in the search for WMD.

47. The UK Government sought to reconcile differing UK and US views on the potential roles of UNMOVIC and the IAEA in the verification and monitoring of Iraqi WMD.

48. The US proposed a new organisation, the Iraq Survey Group (ISG), to lead the Coalition search for WMD.

²¹ *The New York Times*, 7 April 2003, *U.S. Finds Barrels that May Hold Chemical Weapons*.

²² Letter Bailey to Rycroft, 7 April 2003, 'Iraq – Handling of WMD Evidence'.

²³ Minutes, 8 April 2003, Ad Hoc Meeting on Iraq.

²⁴ Minutes, 9 April 2003, Ad Hoc Meeting on Iraq.

²⁵ Letter Rycroft to McDonald, 10 April 2003, 'Prime Minister's Conversation with Bush, 10 April'.

49. On 10 April, Sir David Manning chaired a meeting to discuss the search for WMD.²⁶ Participants included Sir Richard Dearlove (Chief of the Secret Intelligence Service (SIS)), Mr Scarlett, Mr William Ehrman (FCO Director General Defence and Intelligence), Air Marshal Sir Joe French (Chief of Defence Intelligence (CDI)) and Air Vice Marshal Clive Loader (Assistant Chief of the Defence Staff (Operations)).

50. Sir David identified three areas where co-ordination was necessary:

- the search for material on the ground;
- tracking down and interviewing Iraqi personnel involved in WMD programmes; and
- public presentation of the issue and media handling of finds.

51. Sir David commented that “US handling of those issues did not seem particularly structured. We could no doubt do better than the UNMOVIC inspections.”

52. Sir Richard Dearlove underlined that co-ordination with the US, which might want to control the search for WMD, was the key. He reported that SIS experts were already in Iraq. SIS was re-examining old material in the hope that it would generate leads.

53. Mr Scarlett identified four problems:

- the large number of Iraqis involved in WMD programmes and their concealment;
- the volume of documentation, much of which had been dispersed;
- the munitions, which UNMOVIC assessed had been concealed and dispersed in a disorganised manner; and
- co-ordination in the UK and with the US.

54. Sir David commissioned further advice from Mr Martin Howard, Deputy Chief of Defence Intelligence (DCDI), including whether there were any points Mr Blair would need to raise directly with President Bush.

55. Sir David concluded that the group would meet again to discuss the Whitehall machinery that should be established “to track and drive forward work in this area”.

56. Mr Howard sent advice on next steps to Mr Hoon the following day.²⁷ This addressed both the response to Sir David Manning and US proposals for a new organisation, the ISG, to take forward activity in the post-conflict phase.

57. Mr Howard recommended that Mr Hoon:

- approve a letter to Sir David Manning emphasising the need for Coalition commanders to give priority to WMD detection and elimination, and informing No.10 of the MOD’s intention to offer elements of the UK WMD expertise already in Iraq to the ISG and to consider what more could be made available; and

²⁶ Minute Cannon to PS/C, 11 April 2003, ‘Iraq: Searching for Evidence of WMD’.

²⁷ Minute Howard to PS/Secretary of State [MOD], 11 April 2003, ‘Iraq: WMD Detection and Elimination’.

- agree that the MOD should be prepared to approach former UNMOVIC, IAEA and UNSCOM inspectors from the UK to reinforce the UK effort.

58. Mr Peter Watkins, Mr Hoon's Principal Private Secretary, wrote to Sir David Manning on 11 April:

"As high intensity military action begins to draw to a close ... our strategic priority in Iraq should be the detection and elimination of undeclared WMD and delivery systems."²⁸

59. Mr Watkins wrote that the evidence on WMD would "come in a number of forms ranging from WMD materials through research facilities to documentation and IT records". Interviews of scientists and other Iraqi staff were "likely to be one of the most fruitful source[s] of evidence". It would also be essential to minimise the risks of proliferation of expertise. US and UK commanders had been given directions to search out and hold "personnel of interest".

60. Mr Watkins reported US proposals to create an organisation called the ISG, under the auspices of the US Defense Intelligence Agency (DIA), and that the US was:

"... keen to integrate UK and Australian expertise into this organisation. We intend, in the first instance, to offer elements of the UK's WMD expertise already deployed in theatre ... The total of our personnel currently deployed ... is some 100, increasing to 120 later this month."

61. Mr Watkins added that it was important the UK did not limit its work with the ISG to "the UK Area of Responsibility where sites and personnel of interest are thinner on the ground".

62. A public handling strategy would be needed, including "to moderate expectations of very early progress". Mr Watkins warned that the search for WMD and its eventual destruction was "likely to be a long haul ... months if not years".

63. Mr Watkins also reiterated concerns about the credibility of the Coalition's verification process should WMD be found:

"Given suspicions about Coalition motives, positive results would have considerably more force if they were verified 'separately' by a non-US/UK laboratory. Ultimately, we would like to see UNMOVIC or a successor body back in play. But US aversion to the UN means that this is unlikely to be achievable in the short/medium term."

64. Mr Watkins reported that the FCO was approaching the Netherlands to explore whether an independent laboratory there would be a possible alternative.

²⁸ Letter Watkins to Manning, 11 April 2003, 'Iraq: WMD Detection and Elimination'.

65. The points which the MOD suggested Mr Blair might make to President Bush included:

- “Detection and elimination of WMD ... now becoming our top political priority. Need to build on current efforts and demonstrate that our casus belli has substance.”
- Coalition commanders “should give high priority to identifying and detaining” Iraqi scientists and other staff with information about Iraq’s activities.
- Support for an ISG and the hope that it could deploy “as soon as possible”.
- “Independent verification of US/UK WMD finds would be extremely useful politically, although clearly a complicating factor.”
- The UK’s “ultimate objective” was UN involvement, but it recognised “that [the] US had reservations”.

66. Sir David Manning showed Mr Blair the advice from Mr Howard to Mr Hoon, including the draft letter from Mr Hoon to Sir David, which differed little from the version that was sent. Sir David commented:

“We need a coherent plan for Iraqi WMD. This is work in progress ... We need to inject greater urgency; and I am not yet convinced that we need do everything as part of one large US-led organisation. Finding people [involved in Iraq’s WMD programmes] is key. That doesn’t depend on CENTCOM [Central Command].”²⁹

67. In an interview for the Spanish newspaper *El País*, published on 9 April, Dr Hans Blix, the Executive Chairman of UNMOVIC, made a number of points about the role of UNMOVIC and the events preceding military action in Iraq.³⁰ Those included:

- The US and UK had told UNMOVIC that Iraq possessed weapons of mass destruction. UNMOVIC never accepted that statement as an established fact; its job was to establish the facts.
- UNMOVIC had visited sites identified by the US and UK and found “nothing that had to do with weapons of mass destruction”.
- The US intelligence services had provided information to the IAEA about “contracts for a presumed purchase of enriched uranium from Niger” which were a “crude lie” (see Box, ‘Uranium and Niger’, later in this Section).
- After his report to the Security Council on 27 January criticising Iraq it had begun to co-operate and provide “significant data”, including the names of many technicians and scientists who had participated in the development of biological and chemical weapons in 1991. UNMOVIC “needed some months to work on it”.
- The US had welcomed his report on 27 January, but the “great paradox” was that from then on Iraq began to co-operate and the US began to criticise him (Dr Blix).

²⁹ Manuscript comment Manning to Prime Minister, 12 April 2003, on Minute Gibbons to Manning, 11 April 2003, ‘WMD Detection and Elimination’.

³⁰ Global Policy Forum, 9 April 2003, *Interview With Hans Blix: By Ernesto Ekaizer, El Pais*.

- The US and UK had become “very impatient in the first days of March”, and UNMOVIC had not been left “to finish the task”.
- The presumed threat from Iraq could have been controlled through inspections.
- He did not accept the US view that “the war with Iraq was a way of sending a sign to other countries to preclude their acquisition of weapons of mass destruction”. If a country felt its security was assured, it would not have the need to think about WMD. That was the first line of defence against the proliferation of WMD. North Korea now wanted nuclear arms to fend off others.

68. At the Ad Hoc Meeting on Iraq on 12 April, Mr Straw stated that the UK Permanent Mission to the UN in New York (UKMIS New York) would be challenging Dr Blix on the media story that the British had fabricated evidence about Iraq’s WMD.³¹

69. UKMIS New York reported that, at the meeting of the Security Council on 22 April, Dr Blix had said:

“... some recent reports of his comments – translated from foreign languages into English – had contained serious errors. It was true that he had pointed to weaknesses in intelligence provided, but he had also always stressed the need for intelligence and the difficulties agencies faced. He had not suggested that any government had fabricated evidence. In addition he had indeed said that US patience seemed to run out at the same time as the Iraqis had become more proactive. But if asked about the causal link, his view would be that the Iraqis had become more active when they had seen that time was running out.”³²

70. In a statement to the House of Commons on 14 April, Mr Blair reported:

“... of 146 possible sites known to us, investigations have begun in seven but, in any event, we know that for six months before the return of UN inspectors, Saddam put in place a systematic campaign of concealment of weapons of mass destruction. Until we are able to interrogate the scientists and experts who worked on the programmes, and the UN has a list of some 5,000 names, progress is bound to be slow. A specialised team, however, is beginning work and we are in discussion with allies and the UN as to what the future role of the UN in such a process may be.”³³

71. In his conversation with President Bush on 14 April, Mr Blair stated that there was a need to manage media expectations in the search for WMD and suggested there should be no hesitation in offering amnesty in exchange for concrete information on WMD.³⁴

³¹ Minutes, 12 April 2003, Ad Hoc Meeting on Iraq.

³² Telegram 705 UKMIS New York to FCO London, 23 April 2003, ‘Iraq: UNMOVIC: 22 April’.

³³ House of Commons, *Official Report*, 14 April 2003, column 616.

³⁴ Letter Cannon to McDonald, ‘Iraq: Prime Minister’s conversation with Bush, 14 April’.

72. On 16 April, Mr Scarlett informed Sir David Manning of the content of his discussions with CIA officials earlier that day, which covered a number of issues, including the use of available intelligence in the exploitation process.³⁵

IAEA report, April 2003

The IAEA's 15th report on Iraq, covering the period between 1 October 2002 and 1 April 2003, was submitted to the Security Council on 14 April 2003.³⁶ The report stated:

- “As of 17 March 2003, the IAEA had found no evidence or plausible indication of the revival of a nuclear weapons programme in Iraq”; but the time available “for the IAEA before inspections were suspended was not sufficient to permit it to complete its overall review and assessment”.
- “Provided that Iraq’s co-operation had remained active, and barring unforeseen circumstances, the IAEA would have been able to provide the Security Council with credible assurance regarding the absence of such revival within two to three months of continuing verification activities.”
- Many areas of Iraqi expertise seemed to have been significantly depleted, and the “core of expertise” on centrifuge enrichment that existed in 1990 appeared to have been “largely disbanded”.
- The IAEA, “with the concurrence of outside experts”, had concluded that documents provided “by a number of States that pointed to an agreement between Niger and Iraq on the sale of uranium to Iraq between 1999 and 2001... were in fact forged”.
- The IAEA had therefore concluded that those specific allegations were “unfounded”, but “it could not be automatically extrapolated ... that Iraq had never sought to import uranium”. The IAEA “would continue to investigate the matter”.
- “Extensive field investigation and document analysis had failed to uncover any evidence” that the aluminium tubes sought by Iraq were intended for use in “any project other than the reverse engineering of rockets”.
- “IAEA experts familiar with the use of ... magnets in centrifuge enrichment have verified that none of the magnets that Iraq has declared could be used directly for a centrifuge magnetic bearing”. Investigations with foreign manufacturers contacted by Iraq were “ongoing”.

In relation to recent events, the IAEA report stated:

- During the period under review it had conducted 237 inspections at 148 sites. Iraq had provided access to all facilities requested by the IAEA “without conditions or delay”.
- The Iraqi authorities had made available “over 7,000 pages of additional ... documentation” and “a large number of documents” relating to “Iraq’s pre-1991 laser enrichment programme were found in the home of a former Iraqi scientist”.

³⁵ Minute Scarlett to Manning, 16 April 2003, ‘Iraq: Discussion with CIA Directorate of Intelligence’.

³⁶ UN Security Council, ‘Letter dated 14 April 2003 from the Secretary-General addressed to the President of the Council’ attaching ‘Fifteenth consolidated report of the Director General of the International Atomic Energy Agency under paragraph 16 of Security Council resolution 1051 (1996)’, S/2003/422.

- Iraq had “provided an updated list of 430 key technical staff involved in the past programme and their current work locations. The list covered the great majority of essential staff.” The IAEA was “able to interview 17 individuals selected by the IAEA at locations chosen by the IAEA”. Some restrictions were imposed at the beginning, “when interviewees first refused to be seen without the presence of an Iraqi observer. Subsequently interviewees accepted to be seen alone, but requested that their interviews be taped. Ultimately, two individuals accepted to be interviewed in private and without being taped. Most of the interviews proved to be of significant help in improving the IAEA’s understanding of the current state of Iraq’s nuclear related capabilities.”
- Before inspections were suspended, the IAEA was “able to resolve the modalities” for interviews outside Iraq.
- Since the inception of a system to review applications to sell or supply single or dual-use items, in May 2002, the IAEA had examined 9,965 contract communications. Of those, 0.1 percent had contained prohibited items.
- The IAEA had “repeatedly called on States to provide actionable information of direct and current value” relevant to its mandate. “Towards the end of the recent inspections”, there had been “an increase in the provision of such information”, but the “nature and extent of that information remained limited”.
- The Iraqi declaration submitted on 7 December 2002 “did not provide any significant new information” relevant to the issues outstanding since December 1998.

The report concluded that “as the sole legal authority to verify Iraq’s nuclear activities”, the IAEA remained “ready, subject to Security Council guidance, to resume its verification activities as soon as conditions permit”.

73. Mr Tony Brenton, Chargé d’Affaires at the British Embassy Washington, discussed the role of UNMOVIC with Mr John Bolton, US Under Secretary of State for Arms Control and International Security, on 15 April.³⁷

74. Mr Brenton reported that the UK should not expect the US to agree any role for UNMOVIC in the short term. The US had particular concerns about UNMOVIC inspectors handling sensitive intelligence on countries outside Iraq that revealed details about global WMD networks, including procurement and financing. Even in the longer term, UNMOVIC would have to be reformed before the US would consider involving it. The US was willing to work with the UK on other ways to validate WMD finds.

75. Mr Brenton advised that the US argument about intelligence had evident force. The UK would need to have a good answer if it was to maintain its current position on UNMOVIC.

76. The Cabinet Office reported to Sir David Manning that there was a “consensus that UNMOVIC/IAEA should not – and cannot – return to Iraq in the immediate future”, but in a meeting on 16 April officials had:

³⁷ Telegram 507 Washington to FCO London, 15 April 2003, ‘US/Iraq: Role of UNMOVIC’.

“... agreed that a restructured UNMOVIC/IAEA would represent the most credible way of certifying elimination ... While US private statements on Blix/Baradei [Dr Mohamed ElBaradei, Director General of the IAEA] have been harsh, we have seen nothing to suggest the Administration would rule out the inspectors returning after a period of time, without Blix, restructured, and in co-operation with the Coalition (though the precise mechanics of the last will no doubt prompt debate). The time to restructure/recruit could cover the period until Blix’s retirement in June.”³⁸

77. Responding to Mr Brenton on 16 April, the FCO stated that the UK agreed with the US on the immediate next steps, and on the need for credible third-party verification.³⁹ The UK did not want the future role of UNMOVIC to become a UK/US problem. Conditions in Iraq were such that it could be argued the return of inspectors was not an issue. The UK was happy to discuss options for verifying Coalition discoveries, but it was important to keep in mind the need for credibility, and “what the market will bear in New York”. UNMOVIC and the IAEA were the bodies likely to carry most weight in verifying and validating Coalition finds. The UK would look at alternatives, but they must be sufficiently credible not to be dismissed as US/UK stooges and there were “no obvious candidates”.

78. The FCO stated that US officials had previously indicated that they were “prepared to consider the verification/validation task being performed by a ‘restructured’ UNMOVIC and INVO [the IAEA’s Iraq Nuclear Verification Office]”. UNMOVIC’s leadership also needed to change. Dr Blix had said he would not extend his contract when it expired in June.

79. The FCO believed that the type of restructuring it had in mind could take place “without adjustment to UNMOVIC/INVO’s mandates”. It was:

“... reluctant to offer more scope than absolutely necessary for others to make difficulties for us in the Council. And, presentationally, it strikes us as an own goal for the Coalition to start trying to re-write the very UNSCRs which we took military action to uphold.”

80. The FCO saw “substantial practical advantages” in UNMOVIC and the INVO retaining responsibility for the destruction of WMD, which “could be a lengthy, hazardous and very expensive task”. There would also be a need to consider whether long-term monitoring arrangements could be required.

81. The FCO concluded that “a successful intrusive inspection regime tailored to the post-war Iraqi circumstances could be a useful precedent for dealing with other proliferators”.

³⁸ Minute Cabinet Office [junior official] to Manning, 17 April 2003, ‘Iraq: Role of UNMOVIC/IAEA’.

³⁹ Telegram 168 FCO London to Washington, 16 April 2003, ‘US/Iraq: Role of UNMOVIC’.

Security Council debate on the future role of UNMOVIC

82. In a meeting in New York on 22 April, Mr Bolton told Sir Jeremy Greenstock, UK Permanent Representative to the UN, that “the US did not disagree with credible inspections and getting WMD finds into the public domain”.⁴⁰ But it was:

“... concerned about involving UNMOVIC too soon or too extensively ... The UNMOVIC issue should be left on the backburner – it would become less of a problem as the Coalition made discoveries.”

83. Sir Jeremy replied that the UK was “less neuralgic” than the US about involving UNMOVIC, but would “not force the issue”. The UK wanted to ensure that there were “credible arrangements that left no doubt over Coalition discoveries”. He also said that:

“US reluctance would be seen as a general reluctance to have the UN involved in post-conflict Iraq (this was manageable). We had not identified any credible alternatives ... [I]f international verification emerged strengthened from the Iraq issue it could be used in other cases.”

84. The Security Council discussed UNMOVIC on 22 April.⁴¹

85. Sir Jeremy Greenstock described the discussion as “subdued”. He reported that Dr Blix told the Security Council that it was evident that civilian inspections could not operate in Iraq. In addition, some of the assumptions on which the Council had established UNMOVIC had changed, and it was entirely natural that the Coalition should establish units to search for WMD.

86. The draft UNMOVIC work programme could be adapted to assume that UNMOVIC would:

- verify and corroborate Coalition findings;
- continue to supervise destruction of WMD; and
- carry out longer-term monitoring.

87. Sir Jeremy reported that almost all members of the Security Council accepted the need for UNMOVIC to return to Iraq and most highlighted the link with the lifting of sanctions, but none pressed the US hard. The IAEA representative reported that Dr ElBaradei’s view was that the IAEA should resume inspections as soon as possible; it was the only body with legal powers to verify nuclear disarmament.

88. Sir Jeremy told the Security Council that the UK saw a role for UNMOVIC and the IAEA in verifying disarmament and long-term monitoring. He added that Coalition Forces were “fully aware of the need to be active, professional, and to treat all relevant

⁴⁰ Telegram 705 UKMIS New York to FCO London, 23 April 2003, ‘Iraq: UNMOVIC: 22 April’.

⁴¹ Telegram 705 UKMIS New York to FCO London, 23 April 2003, ‘Iraq: UNMOVIC: 22 April’.

WMD evidence responsibly. We would share with the UN any relevant information we uncovered.”

89. Ambassador John Negroponte, the US Permanent Representative to the UN, made no reference to UNMOVIC. He said that the Coalition had been focused on re-establishing security and would now intensify the search for WMD. This was “likely to take time”. The US:

“... recognised the need for transparency ... But ... the disarmament regime needed to be reassessed given the new facts on the ground ... [T]he Coalition was still very much in the stabilisation phase and the principal efforts in the search for WMD remained ahead of us.”

90. Responding to comments made during the discussion, Dr Blix made a number of points, including:

- “For independent verification, UNMOVIC would need access to locations and persons.”
- “... UNMOVIC was the only international body which had a role and expertise in inspections of biological weapons and missiles. If we were moving to a WMD free zone there was a question of whether we should extend rather than dismantle that capability.”

Creation of the Iraq Survey Group

91. In mid-April, the US invited the UK and Australia to participate in the ISG.

92. At the end of April, Mr Hoon approved the deployment of specialist UK units to the ISG.

93. On 16 April, AM Burrridge’s Private Office informed PJHQ that 119 UK personnel were “dedicated to SSE operations”.⁴² Most were attached to XTF-75, with 44 “on call” from 1st (UK) Armoured Division. An additional 68 personnel were attached to “Supplementary Assets” assigned to force protection tasks, and could be “co-opted to SSE operations” through a request to AM Burrridge.

94. AM Burrridge’s Private Office proposed a number of additional UK contributions to support the creation of the ISG, including appointment of a UK deputy head of the ISG and additional life support to UK SSE personnel.

95. In its meeting on 16 April, the JIC was informed:

“The US had invited the UK and Australia to participate in the Iraq Survey Group (ISG), which would be tasked with looking at a range of post-conflict issues,

⁴² Letter Capewell to PJHQ, 16 April 2003, ‘Report from the Iraq Survey Group (ISG) Conference Held at CENTCOM Forward Headquarters (CFH) – Qatar 13/14 April 2003’.

including WMD, War Crimes and Terrorism, and would be fully effective in about four weeks. It was clear that the US placed a different priority on WMD, which was near the very top of the UK political agenda. Mr Howard would lead a UK team to Washington ... and would listen to American views, clarify their intentions ... and emphasise the importance the UK placed on the WMD issue. He would report back to the Committee at their next meeting, after which the Chairman would brief the PM.”⁴³

96. Mr Scarlett subsequently asked Mr Howard to report on whether the activities to establish the existence and scope of Iraq’s capabilities was being given a sufficiently high priority in all parts of the US Administration. Depending on his report, the JIC might want to recommend the possible appointment of a senior political figure to oversee the Coalition effort on WMD.⁴⁴

97. On 21 and 22 April, Mr Howard led a UK team from the MOD, the FCO and SIS to Washington to discuss the ISG with a US team including Major General Keith Dayton, its future military commander.⁴⁵

98. The British Embassy Washington reported after the talks that the ISG would be “substantial”, with up to 2,000 personnel, and its task would be to “piece together the deeds of Saddam’s regime, in particular the WMD programmes”. The US Department of Defense (DoD) expected to have an initial operating capability in Iraq by the end of May and that its work would take about six months. Maj Gen Dayton would welcome “a substantial UK input”, including providing his Chief of Staff.

99. The talks had highlighted several “pressing issues”:

- gaining access in the short term to scientists and those involved in concealment;
- improving the flow of information between theatre and capitals;
- managing public expectations about WMD discoveries; and
- third-party validation of those discoveries.

100. US and UK officials agreed that:

“... Coalition forces in theatre needed to start to shift their attention away from the (well-known) sensitive sites and onto finding the right people to interview. High value targets were only part of the picture. Piecing together the puzzle would depend just as much on the co-operation of mid-ranking officials.

“... The immediate priority should be for the commanders in theatre to set up safe zones and reception points for Iraqis who wanted to provide information ... Former UNSCOM inspectors could then assist in interviews.”

⁴³ Minutes, 16 April 2003, JIC meeting.

⁴⁴ Letter Scarlett to Howard, 22 April 2003, ‘Iraq: WMD Review: Your Visit to the US’.

⁴⁵ Telegram 534 Washington to FCO London, 23 April 2003, ‘Iraq: Setting Up the Iraq Survey Group’.

101. The need to manage public expectations was also discussed. The process would be long and technical.

102. Mr Dowse, the FCO member of the UK delegation, highlighted a number of points to Mr Straw, including:

“The immediate need is to ensure that both US and UK are making best use of the quite substantial specialist military assets we have in theatre now, to pursue the search for evidence of WMD programmes. Our understanding is that the UK assets are not being used at all in their intended roles; the (500-strong) US 75th Exploitation Task Force is searching sites, but largely on an opportunity basis rather than in accordance with a coherent set of priorities. The commanders on the spot have – understandably been focused on ... [other issues]. They now need to make a further gear-change, and put WMD at the top of their priorities. DCDI [Mr Howard] will visit theatre early next week to make sure this message gets across to UK commanders. The Americans are taking parallel action with CENTCOM.”⁴⁶

103. Mr Dowse reported that, contrary to the reporting telegram from Washington, the ISG was expected “to roll out incrementally from the start of May”, and:

“Subject to Mr Hoon’s approval, MOD have agreed in principle to a UK contingent in the ISG of about 100 specialist personnel, including the Chief of Staff.”

104. Mr Desmond Bowen, the Deputy Head of OD Sec, held a meeting on 24 April “to focus on the very short term, before the ISG is fully up and running at the end of May”.⁴⁷ He informed Sir David Manning that three main obstacles to early progress had been identified:

- the search for WMD not being CENTCOM’s priority and the military operating “in a piecemeal fashion”;
- poor security, especially in Baghdad, making it difficult and dangerous to interview some of those known to be involved; and
- the absence of incentives for scientists and others to come forward.

105. The meeting produced two ideas:

- immediate establishment of a pilot scheme in Basra, using UK resources, to take advantage of the fact that many WMD scientists were “likely to have been Shia and may have gone home to the South”; and
- development of an incentives package.

106. Mr Bowen recommended a “real push” with the Americans and offered Sir David Manning a note to use with Dr Rice.

⁴⁶ Minute Dowse to Private Secretary [FCO], 23 April 2003, ‘Iraq WMD: UK/US Talks, 21-22 April’.

⁴⁷ Minute Bowen to Manning, 25 April 2003, ‘Iraq Survey Group’.

107. Mr Howard recommended next steps to Mr Hoon on 24 April.⁴⁸ He explained that the relevant US agencies:

- agreed that the discovery of WMD was a “high and urgent policy priority”;
- recognised the political, presentational and legal pressures for the UK;
- agreed that the ISG would be “the primary executive vehicle” for detection work once it was fully established by the end of May;
- agreed the need to redirect US and UK resources in theatre while the ISG was still building its capacity;
- accepted “the political desirability of third party validation” of finds and did “not appear to rule out the involvement of the UN in this process”, although there was “considerable hostility to UNMOVIC in its present form”; and
- agreed the need for co-ordinated public handling and expectation management.

108. In relation to UK support for the ISG, Mr Howard recommended that Mr Hoon:

- accede to the US request to provide a Chief of Staff to Maj Gen Dayton;
- agree, as a first step, to assign certain assets already in Iraq to the ISG for an initial period of six months and for deployment across Iraq:
 - 12 personnel from the DIS Battlefield Intelligence Recovery Team;
 - eight personnel from the Joint Forces Interrogation Team;
 - eight personnel from 7630 (HUMINT) Squadron;
 - four personnel from Document Exploitation teams; and
- agree that officials should pursue additional steps to enhance the UK contribution, including the urgent recruitment and redeployment of WMD experts.

109. Lieutenant General Andrew Ridgway, who had succeeded AM Sir Joe French as CDI, informed Lt Gen Reith that Mr Hoon had approved Mr Howard’s recommendations.⁴⁹

110. Lt Gen Ridgway explained that a revised Execute Directive for Op TELIC would reflect the need for activity in theatre to match the very high priority attached to discovery of WMD.⁵⁰ In the meantime, he requested Lt Gen Reith’s support in ensuring all were aware of the importance attached to the work.

111. On 25 April, Mr Howard informed Vice Admiral Lowell E Jacoby, Director of the DIA, that Mr Hoon had approved the broad outline of the UK contribution to the ISG.⁵¹ It would include a Chief of Staff for Maj Gen Dayton and, as a first step, for an initial period of six months and for theatre-wide deployment, 30-40 personnel comprising:

⁴⁸ Minute Howard to PS/SofS [MOD], 24 April 2003, ‘Iraq: WMD Detection and Elimination’.

⁴⁹ Minute CDI to CJO, 25 April 2003, ‘Iraq: WMD Detection and Elimination’.

⁵⁰ General Sir Michael Walker, Chief of the Defence Staff, issued an addition to the Execute Directive relating to the ISG on 18 June.

⁵¹ Letter Howard to Jacoby, 25 April 2003, ‘Iraq Survey Group: UK Contribution’.

- the DIS Battlefield Intelligence Recovery Team;
- the Joint Forces Interrogation Team;
- 7630 (HUMINT) Squadron of the Royal Auxiliary Air Force;
- a Document Exploitation Team.

112. Mr Howard explained that other possible contributions were being investigated “as a matter of urgency”.

113. Mr Hoon’s Private Office informed Sir David Manning on 28 April that:

“The Defence Secretary has agreed that we should respond positively to a US request to provide a military ... Chief of Staff for the ISG, and that we should assign to the ISG UK specialist WMD related units, amounting initially to some 30-40 personnel, already in theatre or about to arrive. We are also looking at dedicating other analytical expertise (including a Porton Down⁵² mobile laboratory and ex-UN inspectors) to the ISG effort. The US Commander of the ISG (Major General Keith Dayton) anticipates taking full command around 30 May, though many US and UK elements of the ISG should be in operation well before then ... There are considerable variations of view in the US on timescales. General Dayton is talking in terms of six months. Others see the process taking two years or more.”⁵³

114. Mr Hoon’s Private Office explained that there was “a complex process” to go through to ensure assets already in theatre before the ISG was established were put to best use. Maj Gen Dayton was discussing the issue with CENTCOM. A UK team led by Mr Howard would do the same with AM Burridge the following week.

115. Mr Howard reported the outcome of his visit to the ISG planning team in Kuwait and the site of the future ISG Survey Analysis Centre in Qatar to Mr Bowen on 2 May.⁵⁴ Mr Howard identified security and logistic support as the main constraints on increasing the WMD effort in theatre. WMD activity had to compete with other high priorities, including support for the Office of Reconstruction and Humanitarian Assistance (ORHA).

116. Mr Howard stated that he had “found no lack of commitment or urgency in respect of WMD exploitation” and there was “an element of resentment that Washington and London did not recognise the scale of the current effort”.

117. Asked by US personnel whether UK political, legal and media opinion would be satisfied if nothing was found and the case for military action rested on the fact that Saddam Hussein retained the expertise and could have built a WMD capability, Mr Howard had responded that he thought not:

⁵² The UK chemical and biological defence establishment at Porton Down, Wiltshire.

⁵³ Letter Williams to Manning, 28 April 2003, ‘Iraq WMD Detection and Elimination’.

⁵⁴ Letter Howard to Bowen, 2 May 2003, ‘Iraq: WMD Exploitation: The View From Theatre’.

“We may not ultimately need to be able to point to vast stockpiles of agent, missiles or warheads. But we would at the least need hard evidence of a programme that could be mobilised at short notice and concealment activity.”

118. Mr Howard also reported that there had been strong support for a scheme to incentivise and attract scientists to speak to the Coalition.

119. Separately, Mr Howard advised Mr Scarlett that he saw no need to appoint a senior political figure to oversee the Coalition effort on WMD detection.⁵⁵ His impression was that Secretary Rumsfeld and Mr Stephen Cambone, US Under Secretary of Defense for Intelligence, had a firm political grip on policy and execution. The difficulty lay in transmitting the sense of priority and urgency into action on the ground.

120. A paper prepared by the MOD on 3 May for the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR) on 8 May, stated that, by 30 April, investigations had begun at 19 of the 147 highest-priority potential WMD-related sites identified by the US and UK before the invasion, and at a further 42 ad hoc sites.⁵⁶ There were 400 lower-priority potential WMD sites remaining to be investigated.

121. The MOD stated that the proposed mission of the ISG was to:

“Co-ordinate and conduct intelligence exploitation throughout Iraq and locate, disable and eliminate Iraqi CBRN/M [chemical, biological, radiological, nuclear/ missile] production, storage facilities and materials in order to: complete the removal of the Iraqi regime; enable the prosecution of war crimes and crimes against humanity; determine the status of Kuwaiti POWs ... remove the threat from Iraqi WMD and assist the Global War on Terrorism.”

122. The concept of operations for the ISG was “still fluid” and could pose some difficulties for the UK.

123. The FCO and the MOD were “developing proposals for a reconstitution of UNMOVIC tailored to the new permissive environment in Iraq”.

124. The Cabinet Office’s Annotated Agenda for the AHMGIR stated that “US investigation efforts are currently ad hoc but will be established on a sounder footing from the end of May”. The ISG would have over 1,000 specialist staff. Officials invited Ministers to “note the progress made and the time likely before investigations produce clear results”.⁵⁷

⁵⁵ Letter Howard to Scarlett, 2 May 2003, ‘Iraq: Weapons of Mass Destruction: My Visit to Washington’.

⁵⁶ Annotated Agenda, 7 May 2003, Ad Hoc Ministerial Group on Iraq Rehabilitation meeting attaching Paper MOD, 3 May 2003, ‘Annex E: WMD and the Work of the Iraq Survey Group’.

⁵⁷ Annotated Agenda, 7 May 2003, Ad Hoc Ministerial Group on Iraq Rehabilitation meeting.

125. AM Burrige criticised CENTCOM's handling of SSE operations in his 'Hauldown Report' of 8 May.⁵⁸ He wrote:

"The scale and complexity of SSE was underestimated by CENTCOM who primarily focused on sites with WMD connections. They became fixated on the Weapons of Mass Destruction Master Site List (WMSL) and there was unfounded confidence that the 'smoking gun' would be found during the exploitation of early Priority 1 sites. With the rapid collapse of the regime and the failure to find any evidence of WMD, there was a realisation that the number of non-WMD sites was far in excess of capability. These needed rapid exploitation before looting destroyed any potential evidence. The diversity of agencies ... and forces ... involved resulted in a fragmented approach ... In addition, reporting mechanisms were developed well after the start of operations, which resulted in confusion and inability to track progress."

126. AM Burrige also criticised the US decision to embed media in XTF-75. The "delay in establishing the facts associated with many discoveries" had led to friction in the command chain.

127. On 11 May, an article published in *The Washington Post* described the replacement of XTF-75 by the ISG as "a milestone in frustration for a major declared objective of the war", but recognised that:

"Even the sharpest sceptics do not rule out that the hunt may eventually find evidence of banned weapons. The most significant unknown is what US interrogators are learning from senior Iraqi scientists, military industrial managers and Iraqi government leaders now in custody ... Publicly, the Bush Administration has declined to discuss what the captured Iraqis are saying. In private, US officials provide conflicting reports, with some hinting at important disclosures."⁵⁹

128. The article attracted wide coverage and prompted sharply contrasting headlines in the UK:

- in *The Telegraph*: "Americans keep up pressure on banned weapons";⁶⁰
- in *The Guardian*: "Weapons taskforce leaves in failure".⁶¹

129. The work of XTF-75 was summarised in the introduction to the final report of the ISG, published in September 2004:

"Many sites were inspected but with an aim of discovering WMD, not inspecting and developing an analytical assessment of the Iraqi programs. Wartime conditions

⁵⁸ Minute Burrige to CJO, 8 May 2003, 'NCC Operation TELIC Hauldown Report: 07 Feb 03 – 08 May 03'.

⁵⁹ *The Washington Post*, 11 May 2003, *Frustrated, US Arms Team to Leave Iraq*.

⁶⁰ *The Telegraph*, 12 May 2003, *Americans keep up pressure on banned weapons*.

⁶¹ *The Guardian*, 12 May 2003, *Weapons taskforce leaves in failure*.

prevailed with concern about force protection primary. The work of XTF-75 was therefore aimed at discovery of possible WMD locations (to eliminate a threat), not the compilation of evidence to build a picture of what happened to the weapons and programs.

“This early approach, perhaps logical if the goal was simply to find hidden weapons, undermined the subsequent approach of piecing together the evidence of the Iraqi WMD programs such as they existed. In fact, combined with the chaos of the war and the widespread looting in the immediate aftermath of the conflict, it resulted in the loss of a great amount of potentially very valuable information and material for constructing a full picture of Iraqi WMD capabilities. Sites were looted. Documents were either ignored or collected haphazardly or burned by either the Regime or Coalition forces.”⁶²

130. In his memoir, Mr George Tenet, the US Director of Central Intelligence (DCI), wrote that a lot of time had been lost by the time the ISG was established:

“... the Iraqis had been deliberately destroying records ... government files were being seized by the truckload by groups such as the Iraqi National Congress ... raising questions about the validity of any information that might later be discovered in these documents”.⁶³

131. Lieutenant General Sir Robert Fry, Deputy Chief of Joint Operations during the invasion, told the Inquiry:

“We certainly had special processes: Sensitive site exploitation ... and as the conventional advance went on there were a series of sites that were pre-identified that were then searched for evidence of WMD.”⁶⁴

132. Asked what proportion of the military operation was geared to finding WMD, Lt Gen Fry said:

“It was small ... subordinate to decisive manoeuvre. Getting to Baghdad, winning the conventional phase was what it was all about and this was very much a subtext, but an important subtext.”⁶⁵

133. Sir Richard Dearlove told the Inquiry:

“I think that some of us expected that there would be some finds relatively quickly, you know, whilst the trail was still hot. So it was very frustrating, in the early weeks after the military conflict finished, when there was absolutely no progress made at all.

⁶² Central Intelligence Agency, 30 September 2004, *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD*.

⁶³ Tenet G & Harlow B. *At the Centre of the Storm: My Years at the CIA*. HarperPress, 2007.

⁶⁴ Public hearing, 16 December 2009, page 69.

⁶⁵ Public hearing, 16 December 2009, page 68.

“What we hoped was that maybe a military unit would run into something. But I also remember the figure for the number of unguarded Iraqi ordnance dumps across Iraq, and strictly speaking, all of those should have been inspected, but it was completely impossible to do so.”⁶⁶

134. SIS4 told the Inquiry what he had expected to be found when the search began:

“It seemed to me that we had to get a fire blanket over the proliferation hazards, and very quickly indeed ...

“Secondly, while not expecting gleaming arrays of kit to be found, just curiosity meant that we longed to get in there and find out what we had been tinkering with.

“Lastly, the Whitehall political question, ‘Well, SIS, you have been party to this high tension pursuit of WMD. Where is it then?’

“So the need to orchestrate immediate follow-up inside Iraq on all that we knew, all the leads, seemed to me to be very, very, very important. I was concerned that the lead on this was going to MOD and in America, and my anxieties were borne out by what happened. There were ammo dumps in Iraq covering square kilometres ... It was a huge task, and it needed very, very skilful and dynamic generalship to run the follow-up. I’m afraid that didn’t happen.”⁶⁷

135. Asked whether SIS had a plan to deal with the situation, SIS4 said that he recognised:

“... it wouldn’t be up to us. We didn’t have the staff. We didn’t have the authority. But I did make the point repeatedly in conversations with people in Whitehall, particularly with the military, that this needed gripping. The plan needed to be written, and command and control put in place to make sure the plan was implemented.

...

“Movement inside Iraq was very tightly controlled by the military. People were being arrested. My memory is that we did try to get access, but it was very muddled ... We put people on the ground quite quickly to be there to follow things up, but I don’t recall any good coming out of it. At this time, of course, the military were on the ground in Iraq. Force protection and military requirements, operational requirements took priority.”⁶⁸

136. SIS4 expressed surprise at the relative lack of concern about WMD after the military operation ended: “deployments remained, things were put in place, but they weren’t being driven from the very top”.⁶⁹

⁶⁶ Private hearing, 13 July 2010, page 18.

⁶⁷ Private hearing, [undated], Part 2, page 21.

⁶⁸ Private hearing, [undated], Part 2, pages 21-22.

⁶⁹ Private hearing, [undated], Part 2, page 25.

137. SIS3 told the Inquiry:

“I assumed, as others did, that there was indeed WMD. I mean, it was very swiftly shown that the nuclear reporting was pretty accurate and the missile reporting was accurate. But the CBW, obviously, that became clear within a few weeks that there was a problem. We had expected to come across facilities or shells and so on, and we didn’t. Therefore there was already political clamour, if you like.”⁷⁰

Managing public expectations

138. On 21 April, Mr Straw expressed scepticism to Mr Blair about the likelihood that physical evidence of Saddam Hussein’s WMD would be found.

139. On 28 April, Mr Blair told the media “we can take our time about this and so we should”. He expressed confidence that WMD would be found.

140. On 21 April, Mr Straw told Mr Blair:

“I am very worried that, inexorably, we are being pushed into a position where we accept that the war will only have been justified if a significant WMD find is made. This is exactly the place where our opponents, at home and abroad, and the media want us. We should not go there.

“The military action was justified the day we took it, on the grounds that:-

- the Saddam regime had had chemical and biological weapons – we know that for sure;
- it had failed to meet a mountain of UN obligations;
- a huge number of questions about its WMD position and capabilities remained unanswered (Blix’s 173 page report), and Iraq simply refused to co-operate properly, raising entirely legitimate issues in the minds of most members of the Security Council that they had a lot to hide.”⁷¹

141. Mr Straw continued:

“However, I remain sceptical that physical evidence of WMD will be found:-

- Saddam had every motive, and months of notice before the fall of Baghdad to destroy all WMD evidence; so did his collaborators;
- remarkably little circumstantial evidence has so far been forthcoming;
- the expectations from the intelligence have always been greater than the product, so far;

⁷⁰ Private hearing, 2010, page 4.

⁷¹ Minute Straw to Prime Minister, 21 April 2003, ‘Iraq: the Search for WMD and the Case for the War’.

- I was struck by General Franks' caution on this when I saw him ([Mr Colin] Powell [US Secretary of State] has been dubious about finds going back to last summer and I think this reflects a wide view in the US military);
- Your point that our experience in Northern Ireland ... shows that large arms caches can be concealed for years ..."

142. Mr Straw added:

"Yes, we did take military action in order to disarm Iraq of its WMD. But if it turns out that under the pressure of the US/UK military build up, he disarmed himself, so be it."

143. Mr Straw wrote that he understood that public appreciation of why military action had been taken would be "enhanced" if there were "good finds":

"But if we carry on saying confidently that the material is there ... and have 1,000 men doing nothing but search for the next six months ... and still nothing is found, what then? Knowing it was there is not the same as knowing it is there."

144. Mr Straw concluded that, in the absence of significant finds, it would become "all the more important" to demonstrate that post-Saddam Hussein Iraq was a far better place than before. He was "wondering whether the whole US Administration" really appreciated the imperative of "getting the water and power back on" and the hospitals working fully.

145. Mr Straw said that he would call Mr Blair "to discuss all this".

146. In relation to WMD, Sir David Manning commented to Mr Blair:

"The key is to find people not materiel – who can talk about Saddam's WMD programmes/aspirations/deceptions."⁷²

147. During the visit to London on 23 April by Mr José María Aznar, the Prime Minister of Spain, Mr Aznar and Mr Blair spoke to President Bush about progress in Iraq, including plans to provide incentives for information about WMD locations.⁷³ In Mr Blair's view, the Coalition should present the search for WMD as its third priority, after winning the conflict and humanitarian assistance:

"WMD was not just a US/UK issue: the international community had been searching for twelve years. It would take time."

148. In his minute to Mr Straw's Private Office reporting the outcome of the Washington talks on the ISG on 21 and 22 April, Mr Dowse cautioned that a "smoking gun" might not

⁷² Manuscript comment Manning to Prime Minister on Minute Straw to Prime Minister, 21 April 2003, 'Iraq: the Search for WMD and the Case for the War'.

⁷³ Letter Cannon to McDonald, 23 April 2003, 'Iraq: Prime Minister's Conversation with Bush and Aznar, 23 April'.

be found: Saddam Hussein had “had twelve years to hide the evidence”. Fewer than a dozen of the 146 suspect sites identified as a priority by the Government had been visited.⁷⁴

149. On third-party validation of findings, Mr Dowse reported that the UK delegation to the talks:

“... made the point that what constituted credibility was inevitably going to be subjective – ie what was sufficient for the UK and US Governments might not be enough for the audiences we really need to convince, including the Security Council (and UK media). Like it or not, it was hard to escape the fact that a UN seal of approval would be the most difficult for the critics to dismiss ...

“The Americans did not seriously try to argue the point, but I doubt that we entirely overcame the deep reluctance – particularly in the Pentagon – to contemplate a further role for UNMOVIC.”

150. Mr Straw welcomed Mr Dowse’s advice, stating that it highlighted some of his own key concerns, on which he had already written to Mr Blair.⁷⁵ Mr Straw asked for a copy to be sent to Sir David Manning, and for Mr Dowse to prepare a draft minute to Mr Blair.

151. Mr Straw discussed WMD with Secretary Powell on 24 April.⁷⁶ UNMOVIC was rising up the agenda quickly. The US and UK had argued consistently for UNMOVIC, setting it up in resolution 1284 (1999) and enhancing its role in resolution 1441 (2002). Mr Straw did not see how they could now argue for it to be set aside. It was important to keep the moral high ground.

152. Mr Julian Miller, Chief of the Assessments Staff, sent “lines to take” on Iraq’s WMD, agreed with NPD, to Mr Simon McDonald, Mr Straw’s Principal Private Secretary.⁷⁷ On the question: “Iraqi WMD: Where’s the evidence?”, the points made by Mr Miller included:

- Coalition Forces were actively pursuing the issue but the investigation would not be “a quick process”. Saddam Hussein had had “ample time to conceal his WMD programmes”.
- The process would be “painstaking and detailed: we want to establish the truth beyond any doubt”.
- “Given the emphasis on concealment” it was “hardly surprising that concrete evidence of WMD” had “yet to come to light”.

⁷⁴ Minute Dowse to Private Secretary [FCO], 23 April 2003, ‘Iraq WMD: UK/US Talks, 21-22 April’.

⁷⁵ Minute Owen to Dowse, 28 April 2003, ‘Iraq WMD: UK/US Talks, 21-22 April’.

⁷⁶ Letter McDonald to Manning, 24 April 2003, ‘Foreign Secretary’s Conversation with US Secretary of State, 24 April’.

⁷⁷ Letter Miller to McDonald, 24 April 2003, ‘Iraq and WMD’ attaching Paper Cabinet Office, ‘Iraqi WMD: Where’s the Evidence?’

- Other judgements had been “borne out, including by UNMOVIC”, for instance:
 - the “illegal programme[s]” to “extend the range of the Al Samoud missile” and “produce even longer range missiles”;
 - concealment of documents at homes of personnel associated with WMD programmes”; and
 - “suspicious programmes to manufacture long range UAVs [unmanned aerial vehicles]”.
- The “testimony of scientists and documentation about WMD development and production programmes” would be “the key”. But witnesses could not be expected to come forward until they were confident they could speak safely.

153. On the issue of a role for UN inspectors, Mr Miller wrote:

“We appreciate the need for credible, independent validation of any discoveries ... UNMOVIC and the IAEA would be an option ...

“As Dr Blix himself has said, the circumstances are not right for the inspectors to return to Iraq at present. If and when they do, their tasks would have changed: the focus would be on monitoring and verification rather than detection. That would call for different skills – some restructuring of the operation would be needed ...”

154. In his monthly press conference on 28 April, Mr Blair stated that “the first priority has got to be to stabilise” Iraq, the second was the humanitarian situation, and:

“... the third – and we can take our time about this and so we should – is to make sure that we investigate the weapons of mass destruction, and we will do that. And as I say every time I am asked, I remain confident that they will be found.”⁷⁸

155. Asked about why Saddam Hussein had not used weapons of mass destruction and whether the UN needed to be involved to verify any finds, Mr Blair made a number of points, including:

- Independent verification needed to be discussed “with the UN and amongst allies”, but he had “no doubt at all that ... some process of independent verification” was needed.
- There wasn’t “any doubt that Iraq has had” WMD.
- Before the return of the inspectors, “there was a six-month campaign of concealment”. That was “borne out by sufficient intelligence” that there was “no doubt” in his mind that was what happened.
- That meant it was “going to be far more difficult for them to reconstitute that material to use”, and “we were giving very strong warnings to commanders in the fields as to what would happen if they did”.

⁷⁸ 10 Downing Street, 28 April 2003, *PM focuses on Iraq and domestic agenda*.

- The Government was “anxious not to start making the claims until we have absolutely bottomed out anything by way of information that comes to us”.

156. In response to a suggestion that WMD had not been as big a threat as he thought, Mr Blair pointed out that Iraq could have reconstituted concealed weapons “had we all left Iraq and the weapons inspectors not being able to carry out their job”. He added that he thought there would be “increasing evidence of links between the previous Iraqi regime and terrorist organisations”.

157. On 2 May, Mr Straw sent Mr Blair further thoughts on what might be found in Iraq. Evidence might take the form of testimony or documents rather than materiel.

158. On the role of UNMOVIC and the IAEA, Mr Straw advised that it would be “odd” if the Coalition refused to co-operate with the weapons inspectors having made that the centrepiece of the case against Saddam Hussein.

159. Mr Straw wrote again to Mr Blair on 2 May reiterating his concerns that the plans for handling the detection and elimination of Iraqi WMD “should not become the foundation on which critics of our military action in Iraq” could “build a new case to attack us”.⁷⁹

160. Mr Straw welcomed the action being taken to impress on commanders in Iraq the importance of the issue and that work was in hand to identify a substantial UK contribution to the ISG. But the timeframe for ISG deployment highlighted the need to manage expectations:

“This is not a matter of suggesting that we may not, in the event, find any evidence of WMD programmes. On the contrary, as you told the media on 28 April, we are confident that we will. But we must keep drumming home three messages:

- we already have substantial evidence: both from before the fighting and what we have discovered since. There is 173 pages of evidence in Blix’s 7 March report. Examples since include the discoveries of large stockpiles of protective suits and atropine: Coalition forces were well known not to possess chemical weapons, so what reason would Iraq have had for such stockpiles other than to protect its forces against its own chemical weapons?
- this will not be a quick process. Saddam has had twelve years to hide the evidence and it is unreasonable to expect us to uncover it in a few weeks. We should be stressing that the process of discovery and validation cannot be rushed: we must be extremely thorough to minimise the risk of false alarms ...
- evidence can take many forms. It may well not be in the form of finished materiel (stockpiles of munitions, barrels of nerve agent etc); it is equally if

⁷⁹ Minute Straw to Prime Minister, 2 May 2003, ‘Iraq: WMD Detection and Elimination’.

not more likely to come in the form of testimony from scientists and other Iraqi personnel, and documentation. That sort of evidence is no less valid.”

161. Mr Straw noted MOD concern that the last point “might be interpreted as moving the goalposts”. It needed “to be deployed with care”, but it was “not new”. It was “why we placed such emphasis on the UN inspectors conducting secure interviews”. In Mr Straw’s view, it carried “more weight than the claim raised in some US newspapers that the Iraqis may have destroyed their WMD in the days immediately prior to the war. For that to carry any credibility at all it would have to be backed with very convincing evidence of such destruction.”

162. Mr Straw recommended that the UK should, more realistically for the medium rather than the short term, continue to try “to change US minds” about credible independent validation of WMD discoveries by UNMOVIC or the IAEA. Dr Blix would “retire from the scene in June” and the task had:

“... now changed, to one essentially of observation and reporting. Coalition forces will do the detective work. But the fact is that the inspectors still carry the most weight with the audiences we need to convince, in the Security Council or the media. It would be odd if the Coalition was now to refuse to co-operate with the weapons inspectors after we made this a centrepiece of our case against Saddam.”

163. Sir David Manning commented to Mr Blair:

“You should be aware. We are pushing the WMD dossier [issue] hard: but J[ack] S[traw]’s points are well taken.”⁸⁰

164. On 1 May, Mr Watkins sent No.10 briefing for Mr Blair’s meeting with Secretary Rumsfeld at Chequers the following day.⁸¹ Mr Watkins suggested that Mr Blair remind Secretary Rumsfeld of the stronger political and presentational pressures in the UK to find verifiable evidence of Iraqi WMD programmes. The US saw no short-term role for UNMOVIC and there was little appetite in the longer term. Mr Watkins proposed that Mr Blair say that: “suitably reconstituted – UN inspectors would confer maximum international credibility to WMD finds.”

165. Mr Matthew Rycroft, Mr Blair’s Private Secretary for Foreign Affairs, commented to Mr Blair: “No way that Rumsfeld will agree this.”⁸²

166. Mr Blair and Mr Hoon met Secretary Rumsfeld at Chequers on 2 May.⁸³ There is no indication in the record of the meeting that WMD was discussed.

⁸⁰ Manuscript comment Manning to Prime Minister on Minute Straw to Prime Minister, 2 May 2003, ‘Iraq: WMD Detection and Elimination’.

⁸¹ Letter Watkins to Rycroft, 1 May 2003, ‘Meeting with the US Defense Secretary – 2 May 2003’.

⁸² Manuscript comment Rycroft on Letter Watkins to Rycroft, 1 May 2003, ‘Meeting with the US Defense Secretary – 2 May 2003’.

⁸³ Letter Cannon to Watkins, 2 May 2003, ‘Iraq: Prime Minister and Defence Secretary’s Meeting with Rumsfeld, 2 May’.

167. Secretary Rumsfeld and Mr Hoon met again at Heathrow Airport before Secretary Rumsfeld returned to the US.⁸⁴

168. Mr Hoon said that the UK had not seen significant output from the debriefing of high-value individuals and scientists. There could be information emerging that was of operational use and should be shared with commanders on the ground. Secretary Rumsfeld agreed that this was an area that could be improved.

169. Mr Straw raised verification with Mr Richard Armitage, US Deputy Secretary of State, on 6 May.⁸⁵ The key question was: “did the US want UNMOVIC back in?” The issue could not be sidestepped indefinitely. Mr Armitage said that he was not keen.

170. In discussion at the AHMGIR on 8 May, Mr Hoon stated that, given the role WMD had played in the justification for action against Saddam Hussein, it would be important to link any finds back to the pre-conflict evidence.⁸⁶

171. Other points made were that:

- Military action was justified by the continued failure of the Iraqi Government to meet its obligations set out in UN resolutions.
- If the UK Government faced criticism if further WMD were not found, the response should be that Saddam Hussein could have avoided war by, for example, delivering scientists.
- If the Security Council had held together, there might not have been a need for war.

172. Mr Straw concluded that it would be some time before WMD investigation would produce clear results.

173. Mr Straw told Sir David Manning that the absence of any reference to UNMOVIC inspectors in the text of the draft omnibus resolution being discussed on Iraq (see Section 9.1) meant “we were very exposed on the question of why UNMOVIC was not on the bus”.⁸⁷

174. On 8 May 2003, the Intelligence and Security Committee of Parliament (ISC) announced a review into the intelligence and assessments that informed the decision to invade Iraq and whether the intelligence was accurately reflected in Government publications.

175. In its Annual Report for 2002/03, presented to Mr Blair on 8 May 2003, the ISC stated: “It is impossible at the present moment to make any definitive statements about the role of intelligence and the situation in Iraq.” The ISC had been briefed on the issue,

⁸⁴ Minute Williams to Policy Director, [undated], ‘Visit of the US Secretary of Defense – 2 May 2003’.

⁸⁵ Letter Sinclair to Manning, 7 May 2003, ‘Foreign Secretary’s Meeting with US Deputy Secretary of State, 6 May’.

⁸⁶ Minutes, 8 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

⁸⁷ Letter Straw to Manning, 7 May 2003, ‘Iraq: Conversations with Colin Powell, 7 May’.

but intended “to examine in more detail the intelligence and assessments available and their use”.⁸⁸

176. Ms Ann Taylor, the Chair of the Committee, wrote to Mr Scarlett on 8 May requesting “JIC Assessments relating to Iraq and its WMD, dating back to August 1990 and supporting intelligence”.⁸⁹

177. In its report, published in September 2003 and addressed later in this Section, the Committee stated that it had “examined all the JIC Assessments produced since the Iraqi invasion of Kuwait 1990”. The Committee had also “looked at the supporting intelligence in critical areas to ensure that the assessments reflected the intelligence correctly”.⁹⁰

178. The discovery on 24 April of a trailer thought to be a possible mobile BW facility attracted considerable media interest in the UK and US.

179. On 9 May, Sir David Manning advised Mr Blair that, despite the obstacles, the initial prospects for finding evidence of Saddam Hussein’s WMD programmes were “reasonably promising”.

180. The discovery of a suspect trailer on 24 April is addressed in the Box ‘The investigation of possible mobile production facilities for biological agent’.

181. At the JIC meeting on 30 April, Sir Richard Dearlove “suggested that there would need to be very careful handling of the emerging information on WMD in Iraq”. The JIC “might find it useful to have a special meeting to discuss this in due course”.⁹¹

182. On 9 May, SIS4 sent Sir David Manning a briefing note for Mr Blair on “the current status of efforts in Iraq to produce evidence of Saddam’s WMD programmes”.⁹²

183. The covering letter reiterated the obstacles confronting those efforts, including the poor security situation, the apparent disconnect between US organisations in Iraq, the limited circle of knowledge about WMD locations and deployments, and the sheer volume of potential sensitive sites. It was, however, a critical priority to find convincing evidence of past WMD programmes before the deployment of the ISG.

184. The letter described the suspect BW trailer as “an encouraging find” that would be reinforced through exploitation of other related leads in co-operation with other Coalition officials, but one that did, however, “illustrate the difficulties of co-ordinating press lines

⁸⁸ Intelligence and Security Committee, September 2003, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, Cm5972, paragraph 10.

⁸⁹ Intelligence and Security Committee, September 2003, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, Cm5972, paragraph 12.

⁹⁰ Intelligence and Security Committee, September 2003, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, Cm5972, paragraph 16.

⁹¹ Minutes, 30 April 2003, JIC meeting.

⁹² Letter SIS4 to Manning, 9 May 2003, ‘WMD in Iraq’.

... with the US". The letter recommended that Sir David Manning raise the issue with his US interlocutors during his imminent visit to Washington.

185. The briefing note attached to the letter confirmed that SIS would be sending more staff to Iraq to help the US effort on the ground, including debriefing centres. The likely timescales for successful exploitation of sites was not to be underestimated:

"UNMOVIC allowed an average of two hours per facility, and found virtually nothing. It had taken over two weeks to exploit and verify a single find, the mobile laboratory. There were hundreds of known sites to exploit ..."

186. The note also addressed the suspect trailer and provided an update on investigations into CW munitions and production which had yet to produce concrete evidence.

187. Sir David Manning passed the briefing note to Mr Blair, describing it as "An update on the problems and the (reasonably promising) prospects."⁹³

The investigation of possible mobile production facilities for biological agent

On 3 May, Lieutenant General Andrew Ridgway, Chief of Defence Intelligence (CDI) informed Mr Hoon's Private Office that the Defence Intelligence Staff (DIS) assessed that a "trailer recovered north of Mosul on 24 April could be used as a component of a transportable BW facility".⁹⁴

Lt Gen Ridgway wrote that:

- "The trailer has a vessel with a capacity of over 100 litres of agent. It is assessed that [...]"
- "The discovery of the trailer is highly significant ... It is a gun, but not a smoking gun."
- Some details had already appeared in the US media, but "their full significance has yet to emerge".

Mr Hoon was invited to agree that:

- the exploitation of the trailer was urgent and should be co-ordinated between the US and UK;
- the US should be asked to agree to Dr Blix being briefed and to consider the evidence being examined by an independent third party; and
- the discovery and likely role of the trailer should not be publicised until the US and UK had agreed a common position.

⁹³ Manuscript comment Manning to Prime Minister, 11 May 2003, on Letter SIS4 to Manning, 9 May 2003, 'WMD in Iraq'.

⁹⁴ Minute Ridgway to PS/SofS [MOD], 3 May 2003, 'Iraq: Probable Transportable BW Production Trailer'.

A paper prepared by the MOD on 3 May, for the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR) on 8 May, stated that the “most promising find so far is of a HGV [heavy goods vehicle] trailer” near Irbil where an “initial assessment” closely matched “earlier descriptions (from intelligence) of a vehicle that supported mobile BW agent production”.⁹⁵

The discovery of a “BW factory” was discussed in Mr Blair’s conversation with President Bush on 7 May.⁹⁶

The British Embassy Washington reported overnight on 7/8 May that the US had used a general briefing on Iraqi WMD by Mr Cambone to address growing press speculation about the discovery of the suspected mobile BW laboratory.⁹⁷

Mr Cambone had emphasised the scale and complexity of the task facing the Coalition in uncovering and destroying Iraq’s WMD, and explained that the resources deployed would be “substantially enhanced” with the arrival of the ISG.

Mr Cambone said that the mobile laboratory was “very similar” to that which had been described in Secretary Powell’s presentation to the Security Council on 5 February 2003, and that, while some of the equipment on the trailer could have been used for purposes other than BW production, “US and UK technical experts have concluded that the unit does not appear to perform any function beyond what the defector said it was for, which was the production of biological agents”.

Asked whether the trailer represented the smoking gun, Mr Cambone had stated that he was sure that, as time went by, Iraq’s WMD programmes would be found to have been as extensive as described to the Security Council by Secretary Powell in February 2003.

The Embassy added that it had raised the need for independent third-party verification of the find with the National Security Council (NSC) earlier in the day. Although that suggestion had been rejected on the grounds that it was highly unlikely that samples worth verifying would be found in a trailer that had been scrubbed clean, the principle of third-party verification, once samples had been found, was recognised as “a good one”.

The SIS letter of 9 May described the suspect BW trailer as “an encouraging find” that would be reinforced through exploitation of other related leads in co-operation with other Coalition officials.⁹⁸

The briefing note attached to the letter stated that the suspect BW trailer “remained the most significant find to date” and had received some media attention. There were differing views on the function of the trailer, however, it was believed to be part of a transportable production system (TPS). SIS would be contributing to the Coalition efforts to investigate the trailer’s provenance, with the aim of obtaining “a high-level view of how it related to other parts of the BW programme”. There was speculation about whether anthrax was the original intended product. Further debriefing and computer exploitation were ongoing.

⁹⁵ Annotated Agenda, 7 May 2003, Ad Hoc Ministerial Group on Iraq Rehabilitation meeting attaching Paper MOD, 3 May 2003, ‘Annex E; WMD and the Work of the Iraq Survey Group’.

⁹⁶ Letter Cannon to McDonald, 7 May 2003, ‘US Foreign Policy Issues: Prime Minister’s conversation with Bush, 7 May’.

⁹⁷ Telegram 615 Washington to FCO London, 8 May 2003, ‘Iraq: WMD’.

⁹⁸ Letter SIS4 to Manning, 9 May 2003, ‘WMD in Iraq’.

On 13 May, Mr Scarlett informed Mr Powell that a “second possible mobile BW trailer” had been found in Northern Iraq on 9 May; and that imagery indicated “a third suspicious trailer in the Mosul area”.⁹⁹ Mr Scarlett wrote:

“It is not yet clear whether we will be able to prove that these trailers were used for BW agent production ... But our assessment is that the first trailer at least (and probably the second) were capable of producing micro-organisms as part of a biological process ... It is not impossible that they are capable of producing a crude (liquid) form of agent ...”

“A great deal of thought has been given to other possible applications for these trailers. So far none has been identified ...”

Mr Scarlett added that “our experts” had ruled out the possibility that the first trailer might have been part of a mobile pesticide unit.

Mr Scarlett concluded:

“These are significant finds. There is a serious chance (I should not put it more strongly) that the trailers form part of the covert production facilities for which we have been looking. Whatever their function ... [they] should have been declared under ... [resolution] 1441. At the right moment, and once we have reached the firmest judgement possible ... it will be necessary to explain their significance ...”

Mr Blair commented:

“This is good + we should keep a careful note of all we are finding. How are the interviews going?”¹⁰⁰

Mr Scarlett also provided a more detailed note produced by the DIS and a minute addressing claims made on *NBC News*, which could not be substantiated and appeared to be based on the views of Dr David Kay. Dr Kay was described as “formerly nuclear Chief Weapons Inspector for IAEA”.

On 15 May, an official in the FCO Non-Proliferation Department (NPD) advised Mr Tim Dowse, Head of NPD, that Dr David Kelly, MOD Special Adviser Counter-proliferation and Arms Control, had advised that UNMOVIC experts were leaning towards the view that the mobile laboratory was not a bio-weapons lab.¹⁰¹ The FCO official was concerned about the implications of Dr Blix casting doubt on the UK’s analysis.

SIS stated on 16 May that the most important piece of evidence found so far was “the various BW trailers, which we are now firmly of the view are part of the transportable production system (TPS) for BW agent”.¹⁰²

⁹⁹ Minute Scarlett to Powell, 13 May 2003, ‘Iraq: Second Possible Mobile BW Trailer’ attaching Note DIS, 12 May 2003, ‘Iraq: Second Possible Mobile BW Trailer’ and Minute Cabinet Office [junior official] to Scarlett, 12 May 2003, ‘Second Mobile Trailer: The NBC News Report’.

¹⁰⁰ Manuscript comment Blair on Minute Scarlett to Powell, 13 May 2003, ‘Iraq: Second Possible Mobile BW Trailer’.

¹⁰¹ Minute NPD [junior official] to Dowse, 15 May 2003, ‘Iraq Survey Group: MOD Task Force Meeting, 15 May’.

¹⁰² Letter PS/C to McDonald, 16 May 2003, ‘Iraqi WMD’.

On 1 June, Mr Scarlett informed Sir David Manning that a US inter-agency team with one UK representative continued to assess that the BW trailers “almost certainly” formed “part of the mobile BW production facilities identified in [pre-invasion] intelligence”.¹⁰³ The experts could not think of “any other credible explanation”. That was also “the firm view” which had been reported on the US Defense Intelligence Agency website.

Mr Scarlett added that a preliminary draft of the team’s report had stated that the trailers, as presently configured, could not be used as a biological production system. That report had been withdrawn. Mr Scarlett commented: “It really does seem that it has no status. Confusing nonetheless.”

Mr Scarlett concluded that there would be a further assessment of Iraq’s BW capabilities, but a formal assessment could and should be issued only when “we feel confident that we have enough data”.

Subsequent assessments of the purpose of the trailers are set out later in this Section.

188. On 15 May, an official in NPD advised Mr Dowse that:

- Iraq’s two most senior BW scientists were denying knowledge of recent Iraqi WMD programmes.
- The head of Iraq’s National Monitoring Directorate was claiming that all SCUD missiles had been destroyed between 1991 and 1993.
- There was “considerable frustration” about the absence of UK involvement in the US interviews of scientists.¹⁰⁴

189. On 16 May, SIS informed the FCO that information emerging from interviews with individuals prepared to discuss WMD confirmed some of the original judgements about Iraq’s programmes.

190. SIS advised that it was not in the Government’s interest to allow media reports that there was no evidence to justify pre-conflict claims to become received wisdom.

191. On 16 May, Sir Richard Dearlove’s Private Secretary sent Mr McDonald an update on progress and ideas for changing public perceptions of Iraq’s WMD programmes.¹⁰⁵

192. The letter stated that the “poor security situation, apparent disconnect between parts of the US system (and thus with UK agencies)” and problems flying in and out of Baghdad were slowing down the effort, but SIS officers in Iraq were “fully switched on to the task”.

¹⁰³ Minute Scarlett to Manning, 1 June 2003, ‘BW Trailers’.

¹⁰⁴ Minute NPD [junior official] to Dowse, 15 May 2003, ‘Iraq Survey Group: MOD Task Force Meeting, 15 May’.

¹⁰⁵ Letter PS/C to McDonald, 16 May 2003, ‘Iraqi WMD’.

193. On the search for evidence, the letter stated:

“People who are prepared to discuss WMD are gradually emerging to provide information. Most have only small pieces of the jigsaw, but these do confirm some of the original judgements: continued CW production until mid-late 2002; replacement of the large, static BW programme with a covert, transportable capacity; a massive effort in the months before the conflict to break up and conceal much of the WMD (which may thus have been inaccessible when the conflict began); the start of work to develop extended range missiles, beyond UN-sanctioned limits; and the highly restricted circle of those really in the know. Further interviewing of senior detainees is likely to deliver more insights ...”

194. SIS assessed that the most important piece of evidence found so far was “the various BW trailers, which we are now firmly of the view are part of the transportable production system (TPS) for BW agent”. New information was also emerging on Iraq’s CW and missile programmes.

195. The letter stated that, despite the emergence of new information, the UK and international media continued to report that there was no evidence to justify the claims made by the UK and the US before the war. It was not in the interests of the Government or SIS to allow that to become received wisdom. SIS was working on a media strategy with the FCO, the MOD and others to address those points.

196. SIS also reported that *BBC Television’s Panorama* planned to make a programme on Iraqi WMD for broadcast later that year. SIS suggested that the Government provide assistance to the programme-maker while taking care not to hijack the programme. The onus would still be on the programme-maker to seek independent expert advice. SIS advised that there was a greater risk in the programme being made without the Government’s help, and that the programme-maker “might take at face value the denials of senior detainees and be without the technical knowledge and guidance we can offer”.

197. A copy of the SIS letter was shown to Mr Blair by Sir David Manning, with the comment: “Evidence beginning to build. Suggestions here too for media – that need to be reviewed with Alastair [Campbell]”.¹⁰⁶

198. Mr Blair replied to Sir David Manning: “A[lastair] C[ampbell] to speak to me about this.”¹⁰⁷ Mr Blair described as “vital” the letter’s assessment of evidence emerging to support pre-invasion judgements.

199. Sir David Manning sent Mr Blair’s comment to Sir Richard Dearlove’s Private Office “To note”.¹⁰⁸

¹⁰⁶ Manuscript comment Manning on Letter PS/C to McDonald, 16 May 2003, ‘Iraqi WMD’.

¹⁰⁷ Manuscript comment Blair on Letter PS/C to McDonald, 16 May 2003, ‘Iraqi WMD’.

¹⁰⁸ Manuscript comment Manning on Letter PS/C to McDonald, 16 May 2003, ‘Iraqi WMD’.

200. Mr McDonald replied to the letter from Sir Richard Dearlove's Private Office about progress in uncovering hard evidence of prohibited Iraqi weapons programmes on 2 June.¹⁰⁹ He agreed:

"... that we have pro-actively to confront some of the negative media about the lack of Iraqi WMD, and work to ensure that some of the evidence that is coming to light finds its way into the public domain. Or, as you say, the media will remain camped on the position of No evidence, No justification. In the absence of independent validation of Coalition WMD finds, the media are playing a crucial role in setting public opinion. Having an effective media strategy, agreed interdepartmentally, will help address this ..."

201. Mr McDonald added:

"The idea of working with the *BBC Panorama* programme ... seems an excellent way to take the strategy forward in the short term. Providing background briefing and unobtrusively helping point the programme makers in the right direction [...] should help to bring to light some of the hard evidence that is being uncovered. It will be important to ensure that *Panorama* maintains its overall independence ... However, we should not regard this as an exclusive ... [W]e should work with a range of journalists to ensure that the message comes across clearly and coherently."

202. Resolution 1483 was adopted on 22 May 2003.¹¹⁰ Its provisions relating to Iraq's continued obligation to disarm, the US and UK activities in that regard and the future of UNMOVIC and the IAEA's mandates, are set out in the Box 'Resolution 1483: WMD provisions'. The wider purpose and provisions of the resolution are addressed in Section 9.1.

Resolution 1483: WMD provisions

In resolution 1483, the Security Council:

- reaffirmed "the importance of the disarmament of Iraqi weapons of mass destruction and of eventual confirmation of the disarmament of Iraq";
- determined that "the situation in Iraq, although improved, continues to constitute a threat to international peace and security".

In operative paragraph 11 of the resolution, the Security Council:

- reaffirmed "that Iraq must meet its disarmament obligations";
- encouraged the UK and US "to keep the Council informed of their activities in this regard"; and
- underlined "the intention of the Council to revisit the mandates" of UNMOVIC and the IAEA "as set forth in resolution 687 (1991) ... 1284 (1999) and 1441 (2002)".

¹⁰⁹ Letter McDonald to PS/C, 2 June 2003, 'Iraqi WMD'.

¹¹⁰ UN Security Council Resolution 1483 (2003).

203. Speaking after the adoption of the resolution, Sir Jeremy Greenstock stated that the resolution “did not seek to resolve every issue”; and that the functions of UNMOVIC and the IAEA “as they relate to the complete disarmament of Iraq under previous resolutions” would need to be taken up “in due course”.¹¹¹

204. Sir Jeremy added that the UK:

“... continues to see a role for both bodies in the eventual confirmation of disarmament and perhaps, if the Council agrees, in the longer term monitoring and verification.”

205. On 23 May, Mr Howard sent Mr Hoon’s Private Office an update on plans for the ISG and a draft letter to No.10.¹¹²

206. Mr Howard reported that there was “considerable media interest” in the efforts to find WMD and there had been “numerous PQs [Parliamentary Questions] on this and the functioning of the ISG”.

207. Mr Howard added that there was:

“... growing pressure for the Government to provide an assessment of how the WMD findings match the statements made in their September 2002 Dossier and No.10 have made accommodating statements on this: the US are understood to be undertaking their own ‘post-mortem’ exercise in this area. There have been problems that US briefings ... are not properly cleared with us ...”

208. Mr Howard stated that there was a need for urgent work to develop a coherent PR strategy for the ISG work and that he would provide further advice.

209. Mr Watkins wrote to Sir David Manning on 27 May reporting that work on SSE continued and would be enhanced by the ISG, but the timelines for establishing the ISG were “still fluid”.¹¹³

210. Mr Watkins explained:

“At present, Coalition Forces are working from a list of over 500 sites potentially linked to the development, production and storage of WMD, overwhelming[ly] concentrated in the US area of operations. As at 22 May, Coalition forces had initiated investigations into 122 of these sites, plus a further 55 sites identified since the conflict began. The most promising finds so far relate to mobile facilities. The Cabinet Office is receiving daily updates from the DIS ROCKINGHAM cell on all SSE activities.”

¹¹¹ UN Security Council, ‘4761st Meeting, 22 May 2003’, S/PV.4761.

¹¹² Minute DCDI to PS/Secretary of State [MOD], 23 May 2003, ‘Iraq: The Search for WMD’.

¹¹³ Letter Watkins to Manning, 27 May 2003, ‘Iraq WMD: Update’.

211. Mr Watkins reported that the US was planning to expand and better co-ordinate the existing Coalition effort by bringing together current WMD and other post-conflict activities under the ISG. The draft mission for the ISG was to:

“Organise, direct and apply capabilities and expertise in Iraq to discover, take custody of, exploit, disseminate and disable, eliminate information and material on individuals, records, NBC samples, weapons systems, materials, facilities, networks, and operations relative to:

- Terrorism
- Iraqi intelligence
- WMD (Main Effort)
- Individuals associated with the Iraqi regime/leadership with WMD
- Individuals detained by the Iraqi regime
- War crimes and crimes against humanity.”

212. Mr Watkins reported that the UK would be providing the Deputy Commander, Brigadier John Deverell, who would “be running all ISG operations, with Maj Gen Dayton addressing external and higher level ISG issues”. The UK would:

“... also assign to the ISG the UK WMD related units already in theatre or about to arrive, including:

The DIS Battlefield Intelligence Recovery Team

The Joint Forces Interrogation Team

7630 (HUMINT) Sqn RauxAF [Royal Auxiliary Air Force]

A Document Exploitation Team.

“We are also investigating the most effective use of the joint NBC Regiment and other assets in theatre ... DIS liaison staff in Washington will be reinforced to support ISG work, with a view to providing a UK presence in the ISG Fusion Cell in Washington. The DIS is also providing individual reinforcements to ISG in theatre.

“We are also actively recruiting a cadre of UK ex-UNSCOM and ex-UNMOVIC inspectors, and others ...”

213. Mr Watkins wrote that the UK needed to keep up the pressure on the US to ensure WMD detection received the attention it deserved. There also needed to be more work on public handling. There had been problems with US briefings in theatre and in Washington not being properly cleared with the UK. The UK had taken steps to ensure co-ordination was as good as possible. There was also a more general need for Whitehall to develop a “coherent and proactive PR strategy” for the ISG’s work.

214. Sir David Manning commented to Mr Blair: “US has been very slow to get the Iraq Survey Group up + running – one reason for the PR difficulties – along with Rumsfeld.”¹¹⁴

215. The ISG was launched on 30 May.¹¹⁵

216. On 4 June, officials advised that the ISG was expected to achieve an initial operating capability about 10 days later.¹¹⁶

217. Under an arrangement negotiated between the DoD and the CIA, the ISG was initially placed under US military command.

218. The UK planned to provide 100-120 personnel, including some former UNSCOM inspectors.¹¹⁷

219. In a background note for Mr Blair on the difference between the ISG and XTF-75, Mr Nicholas Cannon, Mr Blair’s Assistant Private Secretary for Foreign Affairs, described XTF-75 as “a slightly mechanical exercise, carried out by the military, and based on a fixed body of information”.¹¹⁸ The ISG was intended to be “a more flexible, intelligence-driven organisation”, which would generate its own intelligence, including through interrogations, and have its own analysis capacity. The ISG would include former UNMOVIC inspectors, would target individuals as well as sites, and would have 1,300-1,400 personnel compared with 750-800 in XTF-75.

220. General Sir Michael Walker, Chief of the Defence Staff, issued an addition to the 18 March Execute Directive for Op TELIC on 18 June. The Directive instructed Lt Gen Reith to provide air transport for the movement of small teams of ISG personnel between Iraq and Qatar as “a high priority”.¹¹⁹ The arrangement was to be kept under monthly review.

221. A revised Directive incorporating additional guidance, issued on 30 July, is described in the Box ‘Revised Directive on UK military co-operation with the ISG’ later in this Section.

222. The ISG became “fully operational” in early August.¹²⁰

¹¹⁴ Manuscript comment Manning to Prime Minister, 29 May 2003, on letter Watkins to Manning, 27 May 2003, ‘Iraq WMD: Update’.

¹¹⁵ Letter McDonald to Rycroft, 2 June 2003, ‘Iraqi WMD: Third Party Validation’.

¹¹⁶ Letter Watkins to Manning, 4 June 2003, ‘Iraq: WMD Detection and Elimination: Public Handling’.

¹¹⁷ Letter McDonald to Rycroft, 2 June 2003, ‘Iraqi WMD: Third Party Validation’.

¹¹⁸ Minute Cannon to Prime Minister, 3 June 2003, ‘Iraq: Iraq Survey Group and 75th Exploitation Task Force’.

¹¹⁹ Paper MOD, 18 June 2003, ‘Chief of the Defence Staff Execute Directive to the Joint Commander Operation TELIC Edition 2 Frago 02’.

¹²⁰ Minute Scarlett to Cannon, 8 August 2003, ‘Iraq WMD’.

Pressure to set up an independent inquiry on pre-conflict intelligence

223. In late May, UK and US media comment on the implications of the failure to find WMD intensified.

224. On 29 May, the *BBC* broadcast allegations by the journalist Mr Andrew Gilligan that the September 2002 intelligence dossier had been “sexed up”.

225. On 27 May, after delivering a speech on Iraq to the US Council on Foreign Relations, Secretary Rumsfeld was asked why Iraqi forces had not used chemical weapons during the invasion.¹²¹ He speculated that one reason might have been that it had been decided to destroy the weapons before the conflict. More information would emerge as people were interrogated and there were still hundreds of suspect sites that had not been investigated. Secretary Rumsfeld concluded: “It will take time”.

226. An interview with Mr Paul Wolfowitz, US Deputy Secretary of Defense, published in *Vanity Fair* magazine in late May, was widely reported to have suggested that the US had settled on WMD as the justification for the invasion of Iraq for “bureaucratic reasons” and as the only issue that all parts of the Administration could agree on given the disputes over whether there was a link between the Iraq regime and terrorists.¹²²

227. On 31 May, the DoD challenged *Vanity Fair*’s account of Mr Wolfowitz’s comments.¹²³ It explained that the full transcript showed that Mr Wolfowitz had gone on to say that WMD had always been one of “three fundamental concerns”, including support for terrorism and Saddam Hussein’s criminal treatment of the Iraqi people.¹²⁴

228. On 29 May, the *Today* programme on *BBC Radio 4* broadcast allegations by the journalist Mr Andrew Gilligan that No.10 had called for the September 2002 intelligence dossier to be “sexed up”.¹²⁵

229. Mr Alastair Campbell, Mr Blair’s Director of Communications and Strategy, wrote in his diaries on 30 May that the “WMD firestorm was getting worse” and that Mr Blair was “a bit jumpy” about the September dossier.¹²⁶ Mr Campbell wrote that he had spoken to Mr Miller and Mr Scarlett. Mr Scarlett had said that he was:

¹²¹ US Department of Defense, 27 May 2003, *Council on Foreign Relations (Transcript): Remarks as Delivered by Secretary of Defense Donald H Rumsfeld, New York, NY, Tuesday May 27, 2003*.

¹²² *BBC News*, 29 May 2003, WMD emphasis was ‘bureaucratic’.

¹²³ *CNN International*, 31 May 2003, *Pentagon challenges Vanity Fair Report*.

¹²⁴ US Department of Defense, 9 May 2003, *Deputy Secretary Wolfowitz interview with Sam Tannenhau, Vanity Fair*.

¹²⁵ *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly C.M.G. by Lord Hutton*, 28 January 2004, HC 247, paragraph 32.

¹²⁶ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

“... emphatic in saying to people that it was not true that we pressured them ... But he stopped short of agreeing to do a letter about it. He was very much up for helping us but only so far.”

230. On 1 June, *The Mail on Sunday* published an article in which Mr Gilligan wrote that his source attributed the “exaggeration” in the September dossier to Mr Campbell.¹²⁷

231. Mr Campbell wrote in his diaries that he had discussed the article with Mr Scarlett on 1 June, who was “minded to set out everything in a note to Ministers which they could draw on”.¹²⁸

232. On 2 June, Mr Campbell wrote:

“... WMD still raging ... T[ony] B[lair] was still in ‘it’s ridiculous’ mode ... The main problem of course was that there were no WMD discoveries beyond the two [mobile] labs, and no matter how much we said there were other priorities now, the public were being told as a matter of fact we had done wrong.”

233. Mr Rycroft sent Mr Blair a series of background papers on 3 June.¹²⁹ The papers comprised:

- an FCO note on plans for third-party verification;¹³⁰
- a telegram on US attitudes from the British Embassy Washington;¹³¹
- a short No.10 note attaching a factual MOD description of the role and composition of the ISG;¹³²
- the transcript of a request by the Labour MP Mr Graham Allen for Parliament to set a deadline of 110 days for the Coalition to find WMD in Iraq, matching the 110 days given to Dr Blix before the conflict, and for there to be an independent inquiry if no internationally verified discovery had been made by then;¹³³ and
- a paper by the FCO on the terms of reference, proceedings and conclusions of the Franks Inquiry after the Falklands War, which published its report in January 1983.¹³⁴

¹²⁷ *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly C.M.G.* by Lord Hutton, 28 January 2004, HC 247, paragraphs 38-39.

¹²⁸ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹²⁹ Minute Rycroft to Prime Minister, 3 June 2003, ‘Iraq: WMD’.

¹³⁰ Letter McDonald to Rycroft, 2 June 2003, ‘Iraq WMD: Third Party Validation’ attaching Paper [unattributed], [undated], ‘UNMOVIC: Restructuring’.

¹³¹ Telegram 772 Washington to FCO London, 3 June 2003, ‘Iraqi WMD: US Views’.

¹³² Minute Cannon to Prime Minister, 2 June 2003, ‘Iraq: Deployment of Iraq Survey Group’.

¹³³ Email Sumner to Rycroft, 2 June 2003, ‘PA-WMD/Special Advisers’.

¹³⁴ Letter Owen to Cannon, 3 June 2003, ‘Background on The Franks Report, 1983’ attaching Paper [unattributed], ‘Falkland Islands Review (“The Franks Report”)’.

234. In its advice on UK plans for third-party verification, the FCO stated that the media would “provide some independent witnesses for finds in Iraq” but, “without independent validation”, the Coalition might “well be accused of planting evidence”.¹³⁵ UN validation, ideally by UNMOVIC inspectors, would carry the most weight where it really mattered to the UK, in the Security Council and with UK media. Ideally, the UK would like to give UNMOVIC inspectors access to any relevant finds. At the least, the Coalition should undertake to provide a full report of its investigation to the UN, including any test results.

235. The FCO added that the US remained “neuralgic” on UNMOVIC. Officials were seeking to engage with the US to revitalise and reform UNMOVIC when Dr Blix’s contract expired on 25 June. US officials had not yet replied to a UK paper on restructuring UNMOVIC passed to them on 20 May. The US had, however, agreed that IAEA experts could check the security of a store of radioactive material.

236. The FCO was examining other options for independent validation, including using a laboratory in the Netherlands to test CBW samples, but the Dutch wanted UN cover for doing so.

237. Mr Rycroft commented to Mr Blair that UNMOVIC would be the most credible option for verification, but the US would “not permit that, at least not without a new leadership/mandate/organisation”.¹³⁶

238. The British Embassy Washington reported that comments from US media and prominent Senators were largely sympathetic to the US Government.¹³⁷ Most had argued that it was too early to draw conclusions, but some were calling for an independent inquiry into US intelligence on Iraqi WMD.

239. The Embassy also reported that the Chairmen of the Senate Armed Services and Intelligence Committees had agreed to conduct a joint inquiry into the pre-conflict use of intelligence by the US Administration. In addition, the White House was “crafting a line” on whether there should be an independent inquiry. The Embassy had “strongly encouraged” that it should be discussed in advance with the UK.

240. Mr Rycroft reported to Mr Blair that the two US Committees were “part of the normal Congressional oversight of the Administration”.¹³⁸ The first hearing would be later in June.

241. Mr Rycroft also told Mr Blair that:

“... according to the press, the CIA will provide shortly to Congress the ‘underlying intelligence which was the basis’ for [Secretary] Powell’s UN

¹³⁵ Letter McDonald to Rycroft, 2 June 2003, ‘Iraq WMD: Third Party Validation’ attaching Paper [unattributed], [undated], ‘UNMOVIC: Restructuring’.

¹³⁶ Minute Rycroft to Prime Minister, 3 June 2003, ‘Iraq: WMD’.

¹³⁷ Telegram 772 Washington to FCO London, 3 June 2003, ‘Iraqi WMD: US Views’.

¹³⁸ Minute Rycroft to Prime Minister, 3 June 2003, ‘Iraq: WMD’.

presentation [on 5 February 2003]. This is in response to a request from the House [of Representatives] Intelligence Committee. Congressional Committees do not normally have access to raw intelligence, but they have done occasionally in the past: [...]"

242. Mr Campbell recorded in his diaries that he had spoken to Mr Powell on 3 June and:

"... agreed a way forward was for the ISC to trail an inquiry before T[ony] B[lair] formally announced it and John S[carlett] to make clear nothing improper took place."¹³⁹

243. Mr Campbell also sent Mr Blair a note advising that Parliamentary debates on Iraq on 4 June were :

"... about both the substance of the issue and the manner in which you deal with it. The overall aim must be to give explanation and context, calm the frenzy, and regain support for our basic position ..."¹⁴⁰

244. In relation to the substance, Mr Campbell wrote:

"... the current frenzy flows from the fact that apart from the two mobile labs nothing new has been found ... so tomorrow is in part about saying as much as you can about the process towards discovery ... The fact there are other more pressing issues – security, humanitarian, basic services – is relevant ...

"What reasonable MPs will want is a signal that you understand the nature of the concern. We've had a week essentially of saying people are being ridiculous ... but it won't go away ... [A]s WMD was the stated reason for war, people want to know the full story, and that you set out the process as to how they're going to get it."

245. Mr Campbell added:

"The second issue relates to the intelligence services, and in particular the false charge that we wrongly used intelligence material, or asked the Agencies to do something they should not have, or that they were not happy with ... [T]he media, particularly the *BBC*, are trying to create a 'no smoke without fire' atmosphere."

246. Mr Campbell wrote that the views of Mr Scarlett and others "that nothing improper took place – should be made public forcefully". He recommended Mr Blair:

"... say that, in the light of the controversy, you asked the JIC to set out for you a detailed analysis of the dossier from inception to publication, and as result not only you, but more importantly the JIC, are 100 percent clear that nothing wrong took place."

¹³⁹ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹⁴⁰ Minute Campbell to Prime Minister, 3 June 2003, 'WMD/Tomorrow'.

247. The dossier had been:

“... drafted and redrafted by the JIC ... in consultation with Allies. It was presented to No.10 as a JIC document and remains so. Obviously there were discussions with No.10, not least because you were writing a foreword and you were going to be presenting it to Parliament. But these discussions related primarily to your frontpiece printing, briefing materials, preparation of Q&A, in other words the normal stuff of presentation.”

248. Mr Campbell stated that that part of the response would give Mr Blair:

- acceptance of genuine concern
- process, with a sense of timescale, months not days
- confidence they’ll be found because of historical reality and the labs
- JIC assurance nothing wrong took place
- confirmation of the ISC inquiry
- statement of confidence in Agencies
- reasons for no need for other inquiry.”

249. The House of Commons Foreign Affairs Committee (FAC) announced on 3 June that it would hold an inquiry into “The Decision to go to War in Iraq”.¹⁴¹ The FAC stated:

“The inquiry will consider whether the Foreign and Commonwealth Office, within the Government as a whole, presented accurate and complete information to Parliament in the period leading up to military action in Iraq, particularly in relation to Iraq’s weapons of mass destruction. The Committee will hear oral evidence from several witnesses in June and will report to the House in July.”

250. On 4 June, Mr Scarlett sent Mr Blair a written explanation of the process behind the compilation of the September dossier.¹⁴² The letter, described in greater detail in Section 4.2, concluded:

“At no stage in the drafting process ... was there an attempt, from No.10 or elsewhere, to overrule the judgements of the JIC or my judgement as the person in charge.”

251. Mr Blair discussed the position he would take at Prime Minister’s Questions (PMQs) in a meeting on 4 June with Sir David Omand (Cabinet Office Permanent Secretary and Security and Intelligence Co-ordinator), Mr Scarlett, Sir Richard Dearlove and No.10 officials.¹⁴³

¹⁴¹ Foreign Affairs Committee Session 2002-2003, 3 June 2003, *Announcement of New Inquiry*.

¹⁴² Minute Scarlett to Prime Minister, 4 June 2003, ‘September 2002 Iraq Dossier’.

¹⁴³ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

House of Commons debates on Iraq, 4 June 2003

252. The House of Commons held two debates on Iraq on 4 June.

253. During the second debate, the House of Commons rejected an Opposition motion calling for an independent inquiry into the use of intelligence.

254. Iraq was also raised during PMQs and in response to Mr Blair's statement about the G8 summit in Evian, France, from 1 to 3 June.

255. During the exchanges on Iraq on 4 June, MPs raised repeatedly:

- the failure to find WMD in Iraq;
- statements made by the Government before the conflict about the intelligence on Iraq's capabilities and intent; and
- the need for an independent, judge-led, inquiry.

256. Mr Blair told the House of Commons that:

- It was "accepted" by the international community and the Security Council that Saddam Hussein had possessed WMD and had been "a threat to the world".
- He welcomed the ISC inquiry into the role of intelligence in Iraq.
- There had been no attempt at any time to override "the intelligence judgements" of the JIC.
- The ISG had "just gone into Iraq" and "should be allowed to get on with its job".
- He had "no doubt" that the ISG would find "the clearest evidence" of Saddam Hussein's WMD.
- The alternative thesis, that Saddam Hussein had decided to get rid of the WMD, was difficult to accept.

257. In the first House of Commons debate on Iraq on 4 June, Ms Joan Ruddock (Labour) and Dr Jenny Tonge (Liberal Democrat) called for the urgent return of UN inspectors. Dr Tonge expressed concern about the danger of WMD, if it existed, being found and used.¹⁴⁴

258. During PMQs Mr Blair was asked a series of questions about Iraq.¹⁴⁵

¹⁴⁴ House of Commons, *Official Report*, 4 June 2003, columns 76WH and 84WH.

¹⁴⁵ House of Commons, *Official Report*, 4 June 2003, columns 146-156.

259. In response to a question from Ms Oona King (Labour) about the “strong presumption” of the UN inspectors that Saddam Hussein had not destroyed biological and chemical agents and his view of the allegations that the threat had been exaggerated, Mr Blair replied:

“... that it was accepted by the entire international community, and not least by the UN Security Council, that Saddam Hussein did indeed have weapons of mass destruction and was a threat to the world ... [T]he Iraq Survey Group ... is literally now just beginning its work, because the priority after the conflict was to rebuild Iraq and to make sure that the humanitarian concerns of the Iraqi people were achieved.”

260. Mr Blair added:

“Perhaps I can now take this opportunity to inform the House that the Intelligence and Security Committee ... contacted the Government in early May to conduct an inquiry into the role of intelligence in Iraq. I welcome this and I can assure the House that the Government will co-operate fully with it.”

261. Asked by Mr Iain Duncan Smith, the Leader of the Opposition, about remarks made by Dr John Reid, the Leader of the House, during an interview on the *BBC's Today* programme, that “rogue elements within the intelligence services are undermining the Government and their numbers are growing”, Mr Blair replied:

“It is obvious from what the *Today* programme has said – if that source is to be believed – that of course there was somebody from within the intelligence community who spoke to the media. But I want to say that the security services and intelligence services do a superb job ...”

262. Asked how senior he thought the people making the allegations were and how many of them there were, Mr Blair told Mr Duncan Smith that the source was anonymous, but he:

“... did not believe that the person who is talking is a member of the Joint Intelligence Committee and ... I have spoken and conferred with the Chairman of the ... Committee – that there was no attempt, at any time, by any official, or Minister, or member of No.10 Downing Street staff, to override the intelligence judgements of the Joint Intelligence Committee. That includes the judgement about the so-called 45 minutes [see Section 4.2]. It was a judgement made by the Joint Intelligence Committee and by that committee alone.”

263. Referring again to the allegations made by Dr Reid, and allegations from others that Mr Blair had “misled Parliament and the country”, Mr Duncan Smith asked Mr Blair to publish “the dossier given to him by the JIC before the one that he published in September”.

264. Mr Blair replied:

“In relation to all those issues, the Intelligence and Security Committee is at full liberty to go through all the Joint Intelligence Committee assessments and produce a report on them. Because of the importance of the issue, it is only right that a report is published so that people can make a judgement on it. However the claims that have been made are simply false ...”

265. Mr Duncan Smith stated that Mr Blair would allow the ISC to see “only the intelligence reports that he wanted it to see” and that, as the Committee was being “asked to investigate the Prime Minister’s role and that of his closest advisers ... surely the only way to clear up the problem is to have an independent inquiry”.

266. Mr Blair replied that Mr Duncan Smith:

“... was not making an allegation about the intelligence being wrong. On the contrary, he was rebutting the allegation that the intelligence was wrong ... it is not true that I will withhold from it [the ISC] the Joint Intelligence Committee assessments. In addition, the Committee can, in accordance with its normal practice, interview those people in the security services who drew up the JIC reports. That is surely a fair way to proceed. I will then publish the report.”

267. In response to further questioning from Mr Duncan Smith, Mr Blair stated:

“I have already said that we will produce all the evidence for the Intelligence and Security Committee. I really think that is the sensible and right way to proceed. It can then come to a considered judgement and I will publish the report.”

268. Mr Blair also rebutted the allegation that the source for “the 45 minute claim was an Iraqi defector of dubious reliability”, stating that “he was an established and reliable source”.

269. Addressing a question from Mr Charles Kennedy, Leader of the Liberal Democrats, about why people should allow more time and show patience in the search for WMD, Mr Blair replied:

“... The reason I ask people to be patient is that the group has just gone into Iraq: it should be allowed to get on with its job, investigate the sites, interview the witnesses and then report back to us.”

270. Mr Kennedy also asked for “a fully independent judicial review of what has just gone on”.

271. Mr Elfyn Llwyd (Plaid Cymru) also called for “a full public inquiry”.

272. During his subsequent statement about the G8 summit in Evian, France, from 1 to 3 June, Mr Blair was asked repeatedly about the search for WMD and to consider an independent inquiry.¹⁴⁶

273. In response to Mr Duncan Smith, Mr Blair stated:

“... the Iraq Survey Group is the body that will be able to ... interview the scientists and visit the sites. There are literally thousands of sites ... information is coming up the entire time, but it is only now ... that a dedicated team of people, which includes former UN inspectors ... will be able to go in and do the job properly ... I have no doubt that they will find the clearest evidence of Saddam’s weapons of mass destruction.

“The alternative thesis is that, having for years obstructed the UN, having had 12 years of sanctions, having kicked out the inspectors in 1998, and having invited an invasion by defying the UN, Saddam decided to get rid of the weapons of mass destruction anyway. That is an odd thesis to accept.”

274. Referring to the press reporting of remarks made by Secretary Rumsfeld and Mr Wolfowitz, Mr Blair added that the full transcripts of the interviews showed they were “arguing that it will be difficult to say exactly what has happened to the weapons until we collect the evidence”; and that it had always been the UK Government’s case that there had been “a systematic campaign of concealment once Saddam knew the inspectors were going back in”.

275. In response to points raised by Mr Ken Clarke (Conservative), including on the wider consequences if it turned out that the Government’s assertion that military force was needed to disarm Iraq turned out not to be true, Mr Blair replied:

“... the basis on which we went to conflict was that in resolution 1441, Iraq was given a final chance to comply ... and the conclusion that we drew six months later was that it was not doing so. The problem in the UN Security Council is that we could not get agreement even to the fact that, if it [Iraq] carried on not complying fully and unconditionally ... we could take action. That was obviously an unacceptable situation.

“... I stand entirely by the dossier that we issued and the intelligence contained in it ... When we get a proper and fully documented account of what it [the ISG] has found, we will present it ... [It] would be sensible to suspend our judgement until that time, but I stand fully by what our intelligence agencies put out ...”

276. Asked by Ms Barbara Follett (Labour) about the role of the UN, Mr Blair stated that “for obvious reasons there will have to be some independent verification” at the end of the process; and that was being discussed by Mr Straw with his counterparts.

¹⁴⁶ House of Commons, *Official Report*, 4 June 2003, columns 157-176.

277. Asked by Mr Brian H Donohoe (Labour) if he would allow the Foreign Affairs Committee to have the same access to the evidence and witnesses as the ISC, Mr Blair stated that “it would not be sensible to have two inquiries competing”.

278. Asked by Mr Denzil Davies (Labour) whether the “failure of the Coalition to look for” weapons of mass destruction “as a matter of the highest priority in the immediate aftermath of the war could well have provided the opportunity for many of the weapons – if they are there – to find their way into the hands of the various terrorist groups that are operating in and around the Middle East”, Mr Blair replied that that was a crucial issue but he did not think it was wrong:

“... for the Coalition to have said that our first priority at the end of the conflict ... had to be reconstruction and the humanitarian position of the Iraqi people. Indeed we would have been criticised roundly if we had not done so.”

279. Mr Blair’s statement about the G8 summit was followed by a second debate on Iraq.¹⁴⁷

280. The Liberal Democrat motion tabled for the debate stated:

“That this House recalls the Prime Minister’s assertion that Iraq possessed weapons of mass destruction capable of being used at 45 minutes’ notice; further recalls the Government’s contention that these weapons posed an imminent danger to the United Kingdom and its forces; notes that to date no such weapons have been found; and calls for an independent inquiry into the handling of the intelligence received, its assessment and the decisions made by Ministers based upon it.”

281. In his speech opening the debate, Mr Menzies Campbell, Liberal Democrat Foreign Affairs Spokesperson, set out in detail his interpretation of the case which had been made by the Government before the conflict; questioned whether military action was “truly a last resort” and if action to bring an end to the regime of Saddam Hussein was proportionate; and set out the rationale for an independent Inquiry which would be answerable to the public, “not just to the Prime Minister or the House”.

282. The Government tabled an amendment to the Liberal Democrat motion stating that the ISC was “the appropriate body to carry out any Inquiry into intelligence relating to Iraq” and asking the House to note the terms of resolution 1483 “in relation to Iraq’s disarmament obligations”, which had been adopted while Parliament was in recess.

283. In his speech in support of the amendment, which addressed a wide range of issues, not just WMD, Mr Straw stated that the Government had not, so far as he was aware, used some of the words in the Liberal Democrat motion. It had not referred to Iraq’s weapons posing an “imminent danger”; it had:

“... talked about a threat to international peace and security, as had the United Nations.”

¹⁴⁷ House of Commons, *Official Report*, 4 June 2003, columns 180-232.

284. Mr Straw also stated that the September 2002 dossier had said “that Iraq’s military planning allowed for some of the weapons of mass destruction to be readied within 45 minutes of an order to use them”.

285. Subsequently, Mr Straw said that the Foreword was:

“... subject to discussion and agreement from the head of the JIC to ensure, plainly that what was in the Foreword was entirely consistent with what was in the body of the document.”

286. Asked by Mr Michael Portillo (Conservative) whether “any intelligence officers” had remonstrated with Mr Blair or any other Minister that the 45 minutes point should not have been included in the Foreword to the dossier, because it was based only on a single source, Mr Straw replied “no”.

287. Pressed by Mr Robin Cook (Labour) to acknowledge that the policy of containment had been successful and that the statement was wrong because no weapons ready for use within 45 minutes had been found in Iraq, Mr Straw replied:

“I do not accept that, because we have not yet been able to find physical evidence of the possession of such weapons, these weapons did not therefore exist. That flies in the face of all the other evidence ...”

288. Mr Straw stated that the 45 minutes point was not “a key factor in the decision to go to war”, and “The basis for action was not an intelligence dossier that had been put before the House six months before”.

289. In response to an intervention from Mr Kennedy pointing out what Mr Blair had said in his speech to the House on 24 September about Iraq’s WMD programmes, Mr Straw stated that the international community had judged that Iraq posed a threat to international peace and security and it was:

“... impossible to explain Saddam’s behaviour unless he had weapons of mass destruction.

“Dr Blix is just about to publish a further report ... The chief weapon inspector said that Baghdad had supplied his team with increasingly detailed information but that: even at the end, Iraq failed to allay suspicions that it had something to hide, and its trend of withholding pertinent information meant that the suspicions mounted and mounted.

“That was true for Dr Blix and it was also true for the Security Council ... It is impossible to read those reports [from the inspectors to the Security Council] and to set them against the evidence of Saddam’s behaviour without coming to the conclusion that, in Dr Blix’s words, there was a strong presumption for the holding of those weapons.”

290. In the concluding section of his speech, Mr Straw asked the critics of the Government:

“... whether they seriously believed that when Saddam Hussein chose confrontation rather than co-operation, he possessed no weapons of mass destruction following our decision on 18 March? Do they seriously argue that Saddam had disposed of all his poisons and toxins and missiles, and then deliberately chosen not to prove their destruction but to go down a path that led to his downfall? ...

“Even if we make the most extreme allowances ... how can we possibly believe that he cheated and deceived the international community year after year, until we had no option but military action, and yet that he possessed no weapons of mass destruction?

“... Is it not more likely that Saddam, knowing the game was up and realising that we meant what we said, went to extraordinary lengths to dismantle, conceal and disperse the weapons and any evidence of their existence? ... Saddam had spent years perfecting the art of concealment and carried that out so completely that it will take some time to search hundreds of sites, interview thousands of scientists and locate and evaluate what remains of the documentary and physical evidence.”

291. In his speech, Mr Michael Ancram, the Shadow Foreign Secretary, referred to five questions posed by Mr Duncan Smith in a letter to Mr Blair the previous day.

292. The questions posed by Mr Ancram can be summarised as:

- Whether the dossier’s original conclusion had been deleted and a new preamble, reportedly written by the Prime Minister, inserted?
- If the 45 minutes point was not significant, why did the information appear three times in the dossier; why had Mr Blair referred to it in his speech on 24 September 2002; and was it usual to use single-source intelligence?
- A request for a “categorical assurance that there was no disagreement between Downing Street and the intelligence Services on the handling of intelligence information”.
- What was the new, but so far unpublished, information referred to by Mr Blair in an interview on 1 June?

293. Mr Ancram stated that the Opposition proposed:

“... a resolution in both Houses of Parliament under the Tribunals of Inquiry (Evidence) Act 1921. That is the most powerful form of inquiry and is appropriate for an issue of this gravity. The tribunal would be chaired by a senior judge ...”

294. Mr Ancram also made clear that such an inquiry was required to address the way intelligence had been used. It was “not about the justification for action in Iraq; nor ... about the conduct of that action”.

295. The Liberal Democrat motion was defeated by 301 votes to 203 and the Government amendment was agreed without a further vote.

296. Demands for an independent judge-led inquiry persisted through the summer.

297. Responding to a question from Mr Kennedy at PMQs on 18 June about whether the Government had been told by SIS that Iraq did not possess WMD “capable of posing a direct threat to British security”, Mr Blair stated:

“The intelligence that we put out in the dossier last September described absolutely accurately the position of the Government ... that Saddam was indeed a threat to his region and the wider world. I always made it clear that the issue was not whether he was about to launch an immediate strike on Britain: the issue was whether he posed a threat to his region and to the wider world.”¹⁴⁸

298. Asked by Mr Kennedy whether he thought the issue could be “adequately investigated by a Foreign Affairs Committee to which he refuses to give evidence and a Joint Intelligence Committee which he controls”, and whether there could not be “a proper independent judicial inquiry”, Mr Blair stated that the ISC was “entirely capable of investigating all the facts and getting to the truth”.

299. The House of Commons’ second debate on setting up an independent inquiry took place on 15 July and is described later in this Section.

Dr Blix’s final report to the Security Council

300. Dr Blix submitted UNMOVIC’s 13th quarterly report to the Security Council on 30 May.¹⁴⁹

301. In presenting the report to the Council on 5 June, Dr Blix highlighted a number of points, including:

- The Commission had not at any time “found evidence of the continuation or resumption of programmes of weapons of mass destruction or significant quantities of proscribed items”, whether from pre-1991 or later.
- That did “not necessarily mean that such items could not exist. They might”. Long lists of items remained “unaccounted for”, but it was “not justified to jump to the conclusion that something exists just because it is unaccounted for”.
- The list of unaccounted for items had “not been shortened by inspections or Iraqi declarations, explanations or documentation”; and it was Iraq’s task to convince the inspectors that the items did not exist. Without that, the international

¹⁴⁸ House of Commons, *Official Report*, 18 June 2003, columns 349-350.

¹⁴⁹ UN Security Council, ‘Note by Secretary-General’ attaching ‘Thirteenth quarterly report of the Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission in accordance with paragraph 12 of Security Council resolution 1284 (1999)’ (S/2003/580).

community could not “have confidence that past programmes or any remaining part of them have been terminated”. An “effective presence of international inspectors” would, however, “serve as a deterrent against efforts aimed at reactivating or developing new programmes”.

- Iraq had “made considerable efforts to provide explanations, to begin inquiries and to undertake exploration and excavations” during the month and a half before UNMOVIC’s withdrawal.
- “... [T]hose efforts did not bring the answers needed ... We did not have time to interview the large number of persons who were said by Iraq to have participated in the unilateral destruction of biological and chemical weapons in 1991. Such interviews might have helped towards the resolution of some outstanding issues, although one must be aware that the totalitarian regime in Iraq continued to cast a shadow on the credibility of all interviews.”
- The programme to destroy the Al Samoud 2 missiles had not been completed, and “there was no time to assess whether the Al Fatah missile stayed within the range allowed”.
- The report showed that the weapons destroyed before the inspectors left in 1998 “were, in almost all cases declared by Iraq, and that the destruction occurred before 1993 in the case of missiles, and before 1994 in the case of chemical weapons”.
- The existence and scope of the biological weapons programme was uncovered by UNSCOM in 1995, “despite Iraq’s denials and concealment efforts”; “only a few remnants” of the programme were subsequently found. “A great deal – Iraq asserts all – was unilaterally destroyed in 1991.”
- The lack of significant finds over many years “could be because the items were unilaterally destroyed by the Iraqi authorities or else they were effectively concealed by them”. In the “new environment in which there is full access and co-operation, and in which knowledgeable witnesses should no longer be inhibited from revealing what they know, it should be possible to establish the truth”.
- The inspectors had looked for sites where mobile facilities could be operated and Iraq had presented some information about the mobile systems they possessed which did not match “the description which has recently been made available to us, as well as the media, by the United States”. UNMOVIC could not “make a proper evaluation of the depicted vehicles on the basis of the published material alone”.
- UNMOVIC remained “ready to resume work in Iraq as an independent verifier or to conduct long-term monitoring, should the Council so decide”.

302. Reporting on the subsequent discussion in informal consultations, Sir Jeremy Greenstock stated that most members of the Council saw a future role for UNMOVIC and asked to be kept updated on Coalition activities.¹⁵⁰

The JIC Sub-Committee on Iraq/WMD and the WMD Task Force

303. In June, the Government set up two bodies to improve oversight and co-ordination of the UK approach to Iraqi WMD:

- the JIC Sub-Committee on Iraq/WMD, responsible to the JIC for “strategic co-ordination of all intelligence implications related to Iraq’s WMD programmes”, including Parliamentary and media issues; and
- the WMD Task Force, with a focus on the ISG and information flows between London, Washington and Iraq.

304. On 3 June, after a discussion with Sir David Manning and Sir David Omand, Mr Scarlett informed Sir David Manning that he proposed to establish a “Working Group” on Iraq/WMD which would act as a sub-committee of the JIC.¹⁵¹

305. Mr Scarlett wrote:

“The current public debate about WMD in Iraq raises a series of basic questions about intelligence, its collection, assessment and role in policy making and public presentation. It therefore touches upon the vital interests of the intelligence community. The management of our community response, indeed the response of the Government, to these questions will be complicated and likely to remain a requirement for some time. We need to consider whether we have the right structures in place to co-ordinate this to the best effect.”

306. The Group would need to meet regularly to address:

- “Exploitation in Iraq and elsewhere ...”;
- “Arrangements for assessing the results ...”;
- “Public policy issues”, including “Parliamentary aspects” and “support for the Government response to the ISC Inquiry”;
- “Public presentation”, including “proactive and reactive responses to media coverage”;
- “Co-ordination with US Agencies and authorities.”

307. The Group would not be large, but should include representatives from the FCO, the MOD, DIS, SIS, Government Communications Headquarters (GCHQ) and OD Sec. Membership should be at a senior level.

¹⁵⁰ Telegram 942 UKMIS New York to FCO London, 6 June 2003, ‘Iraq: Blix Briefing on 13th UNMOVIC Quarterly Report’.

¹⁵¹ Minute Scarlett to Manning, 3 June 2003, ‘Iraq/WMD: JIC Co-ordination’.

308. Mr Scarlett stated that the new Group would operate at the “strategic, co-ordination level”. It would need to avoid overlap with other groups, in particular the Executive Group (also known as the Evidence and Elimination Task Force and, later, the Iraq WMD Task Force), led by Mr Howard, which oversaw UK interests in the ISG.

309. The draft Terms of Reference, circulated separately by Mr Scarlett, stated:

“The Sub-Committee on Iraq/WMD will be responsible to the Joint Intelligence Committee for:

- The strategic co-ordination of all intelligence implications related to Iraq’s WMD programmes, including:
 - the [intelligence] community’s response to those issues;
 - the [intelligence] community’s advice to Government;
 - Parliamentary issues;
 - media issues;
 - relations with other groups and allies.”¹⁵²

310. At its first meeting on 5 June, the Sub-Committee agreed the following Terms of Reference:

“The Sub-Committee on Iraq/WMD will be responsible to the Joint Intelligence Committee for:

- The strategic co-ordination, and where necessary management, of all information and intelligence implications related to Iraq’s WMD programmes, including:
 - the [intelligence] community’s response to these issues;
 - the [intelligence] community’s advice to Government;
 - Parliamentary issues, including the co-ordination of the Government’s response to the Intelligence and Security Committee inquiry and the intelligence aspects of the Foreign Affairs Committee inquiry;
 - media issues;
 - relations with other groups and allies.

“The Chairman of the Joint Intelligence Committee will chair the Group ...”¹⁵³

311. The meeting agreed that membership of the Committee should be expanded to include the Home Office, but the No.10 Press Office should not have formal representation. It also noted the importance of ensuring consistency of message and

¹⁵² Minute Scarlett to Ehrman, 3 June 2003, ‘JIC Sub-Committee on Iraq/WMD’ attaching Agenda, 5 June 2003, JIC Sub-Committee on Iraq/WMD and Paper [unattributed] ‘JIC Sub-Committee on Iraq/WMD Draft Terms of Reference’.

¹⁵³ Minutes, 5 June 2003, JIC Sub-Committee on Iraq/WMD meeting.

discussed the arrangements for units in the Cabinet Office and the FCO to co-ordinate the responses to, respectively, the ISC and FAC.

312. On 6 June, Mr Howard informed members of the Evidence and Elimination Task Force that, as a result of the “intense media and parliamentary interest in Iraqi WMD and related UK dossiers”, there would be “a shift of gear” in the intensity of Task Force activity and its role.¹⁵⁴

313. The Task Force “Mark 2” would focus on supporting the ISG’s WMD work and continuing to improve information flows between London, Washington and theatre, while the new JIC Group focused on the inquiries to be conducted by the FAC and ISC. Reflecting the establishment of the ISG, the Task Force would become more intelligence-led, providing “guidance, ideas and information to the ISG for exploitation”. Task Force membership would need to reflect those changes. The UK would be increasing its capabilities on the ground to feed in to the ISG’s work.

314. Mr Howard circulated Terms of Reference for the Task Force on 18 June.¹⁵⁵ Its five functions were:

- “• To contribute to US/UK/AUS strategic guidance on the conduct of the search for Iraqi WMD through the Iraq Survey Group and other agencies.
- To monitor, report and consider public handling of significant WMD related discoveries.
- To co-ordinate the UK contribution to the ISG and other bodies associated with the search for Iraqi WMD.
- To consider longer term issues associated with Iraqi WMD including destruction and counter-proliferation.
- To provide advice and reports as required to Ministers and other senior management in MOD and elsewhere in Whitehall as appropriate.”

315. Sir John Scarlett told the Inquiry:

“The actual day-to-day conduct of business with the ISG was conducted by something called the Executive Group [the WMD Task Force], which was overseen by the Deputy Chief of Defence Intelligence [DCDI, Mr Howard]. So it was ... more on the DIS/MOD side, and that was where the direction of the British contribution to the ISG and personnel was directed from.

“But the JIC sort of overall, I as Chairman of the JIC, and I, in particular, as Chairman of the JIC sub-group on Iraq WMD ... had that as part of our specific remit, that we needed to oversee the relationship with the ISG. So I was either in direct contact myself with David Kay [the first Head of the ISG], for the rest of 2003, and then

¹⁵⁴ Minutes, 6 June 2003, WMD Evidence and Elimination Task Force meeting.

¹⁵⁵ Minute Howard to DCPAC, 18 June 2003, ‘Iraq: WMD Task Force’ attaching Paper [unattributed], [undated], ‘WMD Task Force ToR’.

Charles Duelfer [Dr Kay's successor] into 2004 ... or I was obviously hearing about them because I was receiving reports from DCDI, who either himself went to Baghdad or was conducting the contacts. So there was very regular contact."¹⁵⁶

UK concerns about the ISG's slow start

316. During June, Ministers and senior officials pressed the US to ensure a rapid start to the ISG's work.

317. Mr Blair raised with President Bush the urgent need to find and promise immunity to personnel who had worked on Iraq's WMD programmes.

318. Shortly afterwards, President Bush transferred responsibility for the ISG from Secretary Rumsfeld to Mr Tenet.

319. Mr Blair met President Bush over breakfast at the G8 Summit in Evian on 2 June.¹⁵⁷ Mr Blair said there was "an urgent problem" over WMD. The scientists and technicians who would tell the truth about the WMD programme needed to be found. That meant being ready to promise immunity, otherwise they would be too frightened to talk. Mr Blair said he would look into whether there was a UK judge or lawyer who might be appointed as Official Prosecutor with authority to agree plea bargains.

320. Following his visit to Iraq, Mr Blair chaired a meeting on 3 June, attended by Mr Hoon, Baroness Amos (the International Development Secretary), Sir Michael Jay (FCO Permanent Under Secretary (PUS), in Mr Straw's absence) and No.10 officials, which discussed a range of issues (see Section 10.1).¹⁵⁸

321. After the meeting, Mr Cannon commissioned a number of papers to be ready before a further meeting on 6 June, including advice on "a judge/lawyer/interrogator to negotiate incentive/immunity packages for Iraqi WMD scientists and officials".

322. Mr Watkins wrote to Sir David Manning on 4 June about the need, given the continuing media focus on WMD, for short- and medium-term strategies for public handling of the search for WMD.¹⁵⁹

323. Mr Watkins stated that the "most convincing evidence" of an illicit Iraqi WMD programme remained "the alleged mobile BW trailers currently under investigation" at Baghdad Airport. The draft of "a preliminary inter-agency report" suggested that "one of the trailers was not capable of producing BW agent". That was, however, "likely to be subject to considerable revision", and there was "a strong likelihood that the eventual conclusions will be very close to our own". There was "a lot of work to be done" on the issues, including a further visit by UK experts.

¹⁵⁶ Private hearing, 5 May 2010, pages 57-60.

¹⁵⁷ Letter Manning to McDonald, 2 June 2003, 'Breakfast meeting between the Prime Minister and President Bush: 2 June 2003'.

¹⁵⁸ Letter Cannon to McDonald, 3 June 2003, 'Iraq: Prime Minister's meeting', 3 June'.

¹⁵⁹ Letter Watkins to Manning, 4 June 2003, 'Iraq: WMD Detection and Elimination: Public Handling'.

324. Without a major find of WMD-related material which could “justifiably be described as a smoking gun”, the “hunt for evidence” was “likely to take some months”. Finding “a body of evidence” that persuaded “everybody that the war was proportionate to the threat” was “unlikely”. But it needed “to be enough to convince mainstream public, media and parliamentary opinion that a programme existed and had been concealed”.

325. Mr Hoon thought the Government should:

- be prepared to publicise significant discoveries only once they had been fully validated and after careful co-ordination with the US;
- periodically make public a consolidated and validated picture of developments, with the first before the summer break, provided there was “enough material to justify it”; and
- be in a position to respond to emerging stories, with better co-ordination of US and UK public positions.

326. The “public position could be reinforced” if it were possible in due course to “involve the UN [in] the verification process”. The ISG would host at least one embedded journalist. Mr Hoon had offered a UK communications adviser in response to a US request for assistance with ISG communications.

327. Mr Watkins wrote that a “more radical approach ... could be to play down WMD ... and focus on other areas”; but Mr Hoon doubted that would work. In his view, “the WMD issue would not go away, particular[ly] in the UK. Any attempt to brush it aside or downgrade its importance” was “likely to backfire”.

328. Asked if he had any comments, Mr Scarlett wrote: “Not really. This is sensible but the pace has hottened up. My JIC sub-committee will watch (and drive) specific issues v. closely.”¹⁶⁰

329. Following a meeting of the AHMGIR on 5 June, which considered the papers commissioned by Mr Cannon on 3 June, Mr Straw provided a paper on possible incentives for Iraqi WMD personnel for Mr Blair to send to President Bush.¹⁶¹

330. The paper stated that UNSCOM had produced a list of “around 6,500 Iraqis who had been involved in ... prohibited weapons programmes”, but “the true figure could be considerably higher”. Coalition Forces had captured a few high-ranking individuals, but there had been “no contact with the great mass of personnel”, which “should be a high priority” for the ISG.

¹⁶⁰ Manuscript comment Scarlett to Manning on Letter Watkins to Manning, 4 June 2003, ‘Iraq: WMD Detection and Elimination: Public Handling’.

¹⁶¹ Letter Straw to Blair, 5 June 2003, ‘Iraq: winning the peace’ attaching Paper [unattributed], [undated], ‘Iraqi WMD Personnel’.

331. The paper recommended a combination of carrots and sticks. Proposed incentives were:

- immunity from prosecution;
- personal security;
- financial security; and
- job security.

332. The Coalition Provisional Authority (CPA) de-Ba'athification programme (see Section 11) and the dissolution of Saddam Hussein's security apparatus was "a strong perverse incentive for anyone affected ... not to co-operate with the Coalition".

333. The paper stated that the threat of prosecution in the Iraqi courts for concealing evidence might be sufficient to encourage personnel to come forward.

334. The paper highlighted the need for:

- a public information campaign explaining how people should get in touch;
- facilities in Iraq to receive, filter and interview personnel; and
- an ISG ability to respond quickly to credible information. Looting and arson could already have destroyed valuable evidence.

335. On 5 June, at Sir David Manning's request, Sir Richard Dearlove sent No.10 an outline for Mr Blair on "what SIS will do additionally over the next six to eight weeks to uncover evidence of Iraqi WMD".¹⁶²

336. Sir Richard hoped that, by the end of July, the ISG would be fully functional and able to take activity forward with intelligence support from SIS. If necessary, SIS should be able to sustain its own effort once the ISG was operational. In the meantime, Sir Richard intended:

"... to put more SIS staff (or staff borrowed from other Agencies) on the ground and to boost the WMD-related effort in concert with the MOD. Our aim is primarily to identify Iraqi scientists who will attest in public to what is in the intelligence record. As regard logistics (ground penetrating radar, transport etc) I believe MOD can offer us all we need."

337. Sir Richard explained that, over the next six to eight weeks, SIS aimed to pursue to a conclusion all CBW and missile leads involving more junior scientists and officers. In pursuing those individuals, it would be important to agree a common position on adequate incentive and immunities with the US. Mr Bowen was pursuing the issue, but it would probably be necessary "to cut through the US bureaucracy to achieve a rapid satisfactory outcome".

¹⁶² Letter C to Manning, 5 June 2003, 'WMD in Iraq'.

338. Sir Richard added that SIS had been “closely involved in the protracted saga of the [BW] trailers”. The extended debate over the trailers’ function “served to underline the importance of controlling publicity and of co-ordination both with the US and within the US system”. He hoped that would become easier to manage once the ISG was up and running.

339. In conclusion, Sir Richard said that, over the next week, SIS would be refining requirements for the “surge effort” described in his letter.

340. During his conversation with President Bush on 6 June, Mr Blair stressed the importance of offering inducements to Iraqis involved in WMD programmes.¹⁶³ He said that he was relaxed about the ISG and confident it would get results.

341. At its meeting on 6 June, the Evidence and Elimination Task Force was informed that, in relation to the recruitment of inspectors, Dr David Kelly, MOD Special Adviser Counter-proliferation and Arms Control, was conducting “a recce to theatre”, which would “inform a further briefing of prospective UK ISG inspectors on 13 June”.¹⁶⁴

342. The Task Force was also informed:

- “All BW samples” had, “so far, been negative or inconclusive”. The official report on samples from the bio-trailer was “inconclusive”.
- The Vice Chief of the Defence Staff had “formed a ‘Tiger Team’ to look into WMD lessons learned”.

343. Reporting the main points to have emerged from the meeting, Mr Dowse wrote:

- “... [d]espite all previous assurances, the US have done no further investigation of the first two bio-lab trailers and – incredibly – have lost the third ... it was left unguarded and disappeared”.
- The DoD was suggesting “adopting as ‘hypotheses’ that Iraq either destroyed all its WMD before the war, or hid it in Syria (and Sudan) – and then focusing intelligence collection efforts on finding evidence to prove this. This looked dangerous ...”
- The ISG had “no clear lines of command ... or of reporting back to Washington”.
- There was “clear competition between US agencies”.¹⁶⁵

344. Mr Blair discussed the ISG with Mr Straw and Mr Hoon on 9 June.¹⁶⁶ They agreed that it needed to become operational as quickly as possible with clear command and control arrangements.

¹⁶³ Letter Cannon to McDonald, 6 June 2003, ‘Iraq: Prime Minister’s Conversation with Bush, 6 June’.

¹⁶⁴ Minutes, 6 June 2003, Iraq WMD Evidence and Elimination Task Force meeting.

¹⁶⁵ Minute Dowse to Oakden, 6 June 2003, ‘DCDI Iraqi WMD Co-ordination Meeting, 6 June’.

¹⁶⁶ Letter Manning to McDonald, 9 June 2003, ‘Iraq: Conversation with Condi Rice’.

345. In his conversation with Dr Rice on 9 June, Sir David Manning reported Mr Blair's view.¹⁶⁷ He assured Dr Rice that the UK would give its best resources to the intelligence component of the ISG, but the UK needed access to all the relevant information.

346. Sir David reported that Dr Rice had assured him that she had been asked to take action after Mr Blair's conversation with President Bush on 2 June, and that responsibility for WMD had been transferred from Secretary Rumsfeld to Mr Tenet, who was to ensure that the ISG concentrated on two priorities: the search for WMD and the search for Saddam Hussein and his sons. Mr Tenet intended to recruit Dr David Kay, a former inspector, to help shape the WMD effort.

347. Sir David also reported that he had told Dr Rice that action on incentives and immunities was "extremely urgent". The absence of interviews had been a "major weakness" in UNMOVIC's approach.

348. Sir David commented that Mr Blair's concerns had clearly registered with President Bush and that Sir Richard Dearlove would be in touch with Mr Tenet "shortly".

349. Mr Cannon informed Sir Richard Dearlove's Private Office that, in response to the US "shake-up" of oversight of the ISG, Sir David Manning thought that the "most appropriate channel" to follow up Mr Blair's conversation with President Bush would be for Sir Richard to write to Mr Tenet setting out the UK's views.¹⁶⁸ Mr Scarlett agreed.

350. As the basis for a letter, Mr Cannon provided a draft, which had been cleared with Mr Scarlett, together with a copy of the FCO paper on incentives to encourage Iraqi WMD personnel to come forward.

351. The draft identified six "key priority areas" for the success of the ISG:

- a clear command structure, with clear priorities and an effective flow of information;
- an intelligence-led campaign with resources put to best use; the UK had "some skills in this area" and was "keen to contribute";
- complete sharing of intelligence generated by the ISG "without restrictions of access at any level"; the UK was "keen to play its full part";
- inducements and immunity; there was "some experience in this area which ... could be helpful";
- "a sense of drive and urgency"; and
- logistic support.

¹⁶⁷ Letter Manning to McDonald, 9 June 2003, 'Iraq: Conversation with Condi Rice'.

¹⁶⁸ Letter Cannon to PS/C, 10 June 2003, 'Iraq Survey Group' attaching Paper [unattributed], [undated], 'Iraq Survey Group'.

352. The draft concluded:

“We agree that we need to take this investigation forward patiently and prudently, without letting the media and the anti-intervention lobby rattle us. But we have to move fast to secure the physical evidence of WMD and more importantly the people, the scientists and administrators with the knowledge of the programmes, before they have time to get together and work out a co-ordinated strategy for dealing with us ... [and] before they start taking their proliferation skills somewhere else.”

353. Following a discussion with Mr Tenet on 11 June, Sir Richard Dearlove sent him the two papers provided by Mr Cannon.¹⁶⁹ Sir Richard explained that SIS had made arrangements to reinforce and reorganise in Iraq to bridge the gap until the ISG was fully operational. He also asked Mr Tenet for details of the new command and control arrangements for the ISG so that decisions could be made on adjustments needed in the UK.

354. Mr Tenet announced Dr Kay’s appointment as “Special Advisor for Strategy regarding Iraqi Weapons of Mass Destruction Programs” (commonly known as the Head of the ISG) on 11 June 2003.¹⁷⁰

355. In his memoir, Mr Tenet wrote:

“Military personnel would have to do the lion’s share of the actual searching and provide almost all of the physical security for those engaging in the mission. To get around that hurdle, we carefully negotiated a memorandum of understanding with DOD, spelling out how a senior advisor appointed by me would work with, but not command, what was called the Iraq Survey Group (ISG), which would stay technically under the command of a two-star general reporting to the Secretary of Defense.”¹⁷¹

356. Mr Tenet also wrote:

“Our instructions to Kay were simple. Find the truth. We promised him the resources he needed and an absence of interference from the home front. I am confident that we delivered both.”

357. Mr Tenet added, “We protected Kay’s independence fiercely.”

358. Senior US, UK and Australian military officers and civilians involved with the ISG took part in weekly video conferences linking Baghdad with capital cities.¹⁷² Participants included Secretary Rumsfeld’s Office, CENTCOM, the Joint Chiefs of Staff, the DIA, the US intelligence office in Baghdad, and UK and Australian intelligence.

¹⁶⁹ Letter Dearlove to Tenet, 12 June 2003, [untitled].

¹⁷⁰ CIA News & Information, 11 June 2003, *DCI Tenet Announces Appointment of David Kay as Special Advisor*.

¹⁷¹ Tenet G & Harlow B. *At the Center of the Storm: My Years at the CIA*. HarperPress, 2007.

¹⁷² Duelfer C. *Hide and Seek: The Search for Truth in Iraq*. Public Affairs, 2009.

359. On 12 June, Mr Straw told Cabinet that the ISG was starting work. Incentives and immunities to encourage Iraqi co-operation were being sorted out.¹⁷³

360. There is no record in the minutes that Mr Straw explained the UK's role or responsibilities to Cabinet.¹⁷⁴

361. Sir Richard Dearlove sent Sir David Manning a copy of the letter to Mr Tenet on 16 June.¹⁷⁵

362. In a covering letter to Sir David Manning, Sir Richard suggested:

“With CIA in the ISG driving seat on WMD, SIS will need to take a more prominent role in the co-ordination of the UK effort, as we are best placed to liaise with CIA here, in Washington and on the ground in Iraq.”

363. Depending on what Mr Tenet told Sir Richard about command, control and communications arrangements for the ISG, it might be necessary to “re-jig” the Whitehall arrangements on WMD to reflect a more prominent SIS role. Any changes would need to avoid detracting from the “key contribution of DIS/MOD, who are providing the major UK input of resources and expertise, here and in the field”.

364. Sir Richard suggested setting “some review deadlines”, with a first review at the end of July to assess the impact of the joint SIS/DIS “surge effort” and the interface between that effort and the start of the ISG. He suggested a date around the end of September for a first formal review of the ISG.

365. Sir Richard commented:

“Although the UK will be the junior partner in the ISG, and we may need to manage expectations on both sides of the Atlantic about what it can achieve, I hope that we will be able to influence its focus and pace of activity.”

366. Sir David Manning endorsed Sir Richard Dearlove's proposals and asked Sir Richard to discuss the streamlining of Whitehall machinery with Mr Scarlett.¹⁷⁶ Sir David envisaged the JIC Sub-Committee on Iraq/WMD remaining the focal point for the overall Whitehall effort, “but it will clearly need to work very closely with the SIS/CIA liaison machinery”.

367. SIS3 reported, after visiting Iraq in June, that logistical obstacles were likely to delay ISG operation until mid-July.¹⁷⁷ He had observed some confusion on the ground as a consequence of recent leadership changes and some “institutional rivalries and disconnects”, confirming SIS3 in the view that the UK should reinforce its independent

¹⁷³ Cabinet Conclusions, 12 June 2003.

¹⁷⁴ Cabinet Conclusions, 12 June 2003.

¹⁷⁵ Letter C to Manning, 16 June 2003, [untitled].

¹⁷⁶ Letter Manning to C, 17 June 2003, 'Iraq: ISG'.

¹⁷⁷ Letter SIS3 to Manning, 19 June 2003, 'Iraq: WMD'.

SIS/DIS effort and “seek to harness ISG capabilities to joint operational objectives once the ISG was up and running”. The “surge effort” should last until the end of July, when SIS would take stock.

368. SIS3 reported that co-ordination between UK agencies and units and between UK bodies and their US counterparts was impressive. The task now was to develop a coherent and comprehensive strategy and methodology that also encompassed CENTCOM and the ISG.

369. Mr Blair informed Cabinet on 19 June that the ISG had started systematic work on uncovering Iraqi programmes for WMD.¹⁷⁸ No further discussion of the issue was recorded.

370. Mr Howard sent Mr Bowen a progress report on 20 June.¹⁷⁹ It was now clear that Mr Tenet would exercise strategic oversight of the ISG’s work on WMD and would be represented in Iraq by Dr Kay. Maj Gen Dayton had been tasked to support Dr Kay. The ISG would continue to work within the military chain of command to ensure it received the necessary security, logistics and life support. There was evidence that CENTCOM was now giving the ISG the support it needed.

371. Mr Howard reported that, during calls on SIS and the DIS on 19 June, Dr Kay had stressed the importance he attached to the ISG being an intelligence-led operation and the need for an accelerated timetable.

372. Mr Howard also enclosed the first ISG situation report from Brig Deverell, Maj Gen Dayton’s Deputy, who reported that the main components of the ISG were now functional and that the first operations would take place later in the week.¹⁸⁰

373. Baroness Symons, Minister of State for the Middle East, explained the ISG’s lines of accountability to London and Washington in the House of Lords on 16 October:

“... the Iraq Survey Group (ISG) is not part of the Coalition Provisional Authority. It is part of the United States-led military forces in Iraq and is therefore accountable to the United States Administration. British personnel seconded to the Survey Group are under the tactical control of the United States’ commander. They are under the operational command of and accountable to the United Kingdom Chief of Joint Operations and thus to Her Majesty’s Government. On reporting, the findings of the Group are available to the Coalition partners, including our own Intelligence and Security Committee, which will have access to the full text of the ISG interim report.”¹⁸¹

¹⁷⁸ Cabinet Conclusions, 19 June 2003.

¹⁷⁹ Letter Howard to Bowen, 20 June 2003, ‘Iraq: Weapons of Mass Destruction: Iraq Survey Group and Related Issues: Progress Report’.

¹⁸⁰ Report Deverell to CDI, 18 June 2003, ‘Iraq Survey Group Sitrep No.1 18 Jun 03’.

¹⁸¹ House of Lords, *Official Report*, 16 October 2003, column 1095.

374. Major General Tim Tyler, British Deputy Commander of the ISG from early January to late March 2004, told the Inquiry that Maj Gen Dayton explained this arrangement by describing himself as the “taxi driver” for Special Advisors Dr Kay and Mr Duelfer, who “paid the fare”.¹⁸²

375. Maj Gen Tyler described how the separate chains of military and intelligence oversight worked from a British perspective:

“As senior UK rep, I had two lines of reporting, formal ones ... I reported directly back to the ROCKINGHAM cell for the intelligence aspects ... and then to PJHQ on all military aspects.”

376. Maj Gen Tyler added: “From my point of view it was straightforward and therefore did work.”

377. Mr Howard told the Inquiry that, although he had been concerned that the ISG would end up with a split command, the arrangement had worked quite well:

“Keith Dayton got on, ran the ISG, did the tasking, sent people out, made sure they were properly protected and, as it were, managed the administration, and David really concentrated on the analytical effort and targeting the analysis, saying this is where we need to concentrate our efforts, and I think that actually worked reasonably well.

“I thought that the industrial handling of documents and other sources by the ISG was very good. I think there were problems, nevertheless, of record-keeping, and problems of actually really bringing a vast amount of material into a single cohesive report.

“So it was a mixed picture, but the general approach, I think, was right.”¹⁸³

378. Mr Blair discussed WMD with President Bush on 26 June.¹⁸⁴ He informed President Bush that he hoped to set out publicly what the UK knew about WMD and the Iraqi regime’s human rights abuses in the next few weeks. The UK would co-ordinate with the US in doing so.

379. In a video conference with President Bush and others on 3 July, Mr Blair stated that there was a need to redouble the search for WMD.¹⁸⁵ Ambassador L Paul Bremer, CPA Administrator, reported that the work of the ISG had improved over the last week; and that the ISG had shifted from examination of declared sites and the interrogation of uncommunicative top regime figures to targeting lower level scientists and officials.

¹⁸² Private hearing, 3 June 2010, pages 2-4.

¹⁸³ Private hearing, 18 June 2010, pages 12-13.

¹⁸⁴ Letter Rycroft to McDonald, 26 June 2003, ‘Prime Minister’s Conversation with President Bush, 26 June’.

¹⁸⁵ Letter Cannon to McDonald, 3 July 2003, ‘Iraq: Prime Minister’s Video-conference with President Bush, 3 July’.

JIC Assessment, 27 June 2003: 'Iraq WMD: The Emerging Picture'

380. On 27 June, the JIC assessed that:

- it was “too early in the investigative process to make any firm judgements” about Iraq’s WMD; and
- so far, it had seen nothing to cause it to change either its “pre-conflict judgements on Iraq’s WMD programmes and capabilities, or the intelligence on which these judgements were based”.

381. At the request of the JIC Sub-Committee on Iraq/WMD, on 27 June the JIC produced ‘Iraqi WMD: The Emerging Picture’, a summary of its current understanding of the situation, based on the limited intelligence available since the start of hostilities.¹⁸⁶

382. During the JIC discussion of the draft on 25 June, the main points made were:

- There was “a great deal of interest in this paper and it would be important to get the language right”. The ISG’s work on the ground had only just begun and the situation was still developing. It was “too early to make firm judgements about Iraq’s WMD. Nothing had so far been found to disprove earlier JIC judgements.”
- The draft “should be structured to refer to previous JIC judgements and describe new evidence, but it should state that it could only provide a snapshot of work in progress”. The inclusion of Key Judgements was “not warranted”.¹⁸⁷

383. In the Assessment’s summary, the JIC stated:

“It is too early in the investigative process to make any firm judgements about the location, status and extent of Iraq’s weapons of mass destruction (WMD). A more focused approach to conducting the search process is only now being put into place. Implementation will have to allow for the difficulties of operating in post-conflict Iraq.

“A number of lines of investigation ... continue to be pursued. Limited new information has emerged since the conflict on Iraq’s chemical and biological capabilities. [...] So far we have seen nothing which would cause us to change either our pre-conflict judgements on Iraq’s WMD programmes and capabilities, or the intelligence on which these judgements were based.”¹⁸⁸

384. Points made in the Assessment included:

Chemical weapons

- Since the last JIC Assessment of 9 September 2002, “intelligence from a number of sources has continued to indicate that Iraq possessed chemical

¹⁸⁶ JIC Assessment, 27 June 2003, ‘Iraqi WMD: The Emerging Picture’.

¹⁸⁷ Minutes, 25 June 2003, JIC meeting.

¹⁸⁸ JIC Assessment, 27 June 2003, ‘Iraqi WMD: The Emerging Picture’.

munitions (particularly artillery and battlefield rockets) and was prepared to use them”.

- “Since the conflict began, intelligence has provided further indications that agent production was continuing in 2002 ...”
- “In initial interviews senior detainees are maintaining that Iraq’s chemical weapons programme ended in 1991 and that no weapons were retained.”

Biological weapons

- “Very little new intelligence relating to biological weapons alone has been received ... Detainees assessed to be involved continue so far to insist that the programme stopped in 1991.”
- “Confirmation of the exact purpose” of the suspect trailers would require further work. The trailers were “consistent with, although not optimally designed for, hydrogen production”. Analytical results had “revealed organic chemicals ... inconsistent with the hydrogen process alone. Even if hydrogen production is confirmed, technical analysis of the trailers has not undermined the assessment that they are capable of being used, with only minor modifications, for the production of micro-organisms.”

Nuclear weapons

- “Since the start of the conflict limited information relating to a nuclear weapons programme has been uncovered in Iraq. One recent report implies that some activity which could be associated with a centrifuge programme was undertaken between 1999-2002 ...”
- Mr Mahdi al-Ubaidi, the former head of the gas centrifuge programme, had “stated that documentation was concealed from the IAEA” and centrifuge components had been found buried at his residence. He “claimed that the nuclear weapons programme was not reconstituted after 1991” but “there was an intention to do so once UN sanctions were lifted”.

Ballistic missiles

- There had been “no new information” about Al Hussein missiles.
- Mr al-Huwaish, former head of the Military Industrial Commission (MIC) and a senior member of the National Monitoring Directorate, had claimed the Al Husseins were “unilaterally destroyed in 1992”.
- Post-conflict interviews and some supporting documentation confirmed previous judgements that Saddam Hussein “had ordered the development of missiles with ranges far in excess of the permitted 150km range”. There were “discrepancies” about when the programme had started and the planned range, but all the interviewees appeared “to agree that the programme was still at the design stage”.

- The missile designs described were “different to some of those previously highlighted in intelligence, because they are claimed to be based on Volga engine technology rather than SCUD”.

Unmanned Aerial Vehicles (UAV)

- The former Director of the Centre responsible for the UAV programme had confirmed that an Iraqi UAV flew 500km in June 2002. He continued to state that they were not designed for the delivery of chemical or biological agent.

Proliferation

- “We remain concerned about the proliferation of material, equipment and technical knowledge from Iraq to third parties ... We have not been able to substantiate intelligence and media reporting of missiles and other related material being sent to Syria or other countries.”

385. Addressing why there had been no finds of chemical and biological munitions or stocks of agent, or Al Hussein missiles or parts, the Assessment stated:

“A number of high value detainees claim that these munitions and systems do not exist. However, there are serious doubts as to [sic] their openness and co-operation. The weight of intelligence prior to the conflict, and the fact that the investigative process is at a very early stage, lead us to maintain our previous judgements.

“A number of other explanations have been proposed about the fate of Iraq’s WMD munitions and systems, some of which are supported by intelligence:

- munitions were deployed but have not yet been found, because they were either destroyed or hidden on the battlefield;
- they were destroyed to ensure they were not discovered by UNMOVIC inspections – [...] This would be more extreme than the concealment measures considered by the JIC in its paper of 11 October 2002 on inspections. There has also been a suggestion that some munitions were destroyed just prior to the conflict but intelligence on this has yet to be verified;
- Iraq’s concealment operation was so comprehensive that it did not allow for rapid reconstitution of an effective CBW or Al Hussein missile capability – [...] The gap between UN weapons inspectors leaving and the start of the conflict was only three days.
- the political decision-making process in Iraq was paralysed by the Coalition attack ...”

386. Sir John Scarlett told the Inquiry that the Assessment “sort of logged the picture at that moment, which was more or less when the ISG was seriously getting going”.¹⁸⁹ He added:

“So in the end of June Assessment it was just stated that no munitions of stocks or agent had been found for CW ... That was set against the fact that even during the conflict there had been continuing intelligence about tactical deployment of CW. This was early on, after the end of the conflict, and it was still seen as very early days.

“For BW it was slightly different at that point because it’s important to say that in late April, early May, trailers were found in Iraq ...

“So in the BW context, it wasn’t a case that nothing had been found, because it was thought that possibly something pretty serious had been found, and of course it played into a major line of reporting which was still being taken seriously at that time ...

“So initially ... it was said in bold terms, straight away, up front to customers what was not being found and what might be being found, and at that stage, emphasis was placed on it was too early to review judgments or change judgments because it was very early days in the search.

...

“It’s quite difficult to tell from the reporting notes going backwards and forwards at what point, if you like, the psychological mood changed, because clearly almost from the beginning when nothing was found, the possibility that nothing would be found was there ...”

FAC Report, 7 July 2003: ‘The Decision to go to War in Iraq’

387. On 7 July, the House of Commons Foreign Affairs Committee (FAC) published its report into the decision to go to war in Iraq.¹⁹⁰

388. Among its conclusions, the FAC stated that:

- It was “too soon to tell whether the Government’s assertions on Iraq’s chemical and biological weapons will be borne out”.
- The accuracy of most of the Government’s claims about Iraq’s nuclear weapons programme could only be assessed once the ISG had access to the relevant scientists and documentation.
- The 45 minutes claim “did not warrant the prominence given to it in the [September 2002] dossier because it was based on evidence from a single, uncorroborated source”.

¹⁸⁹ Private hearing, 5 May 2010, pages 58-60.

¹⁹⁰ Ninth Report from the Foreign Affairs Committee, Session 2002-2003, *The Decision to go to War in Iraq*, HC 813-1.

- The effect of the February 2003 dossier had been “almost wholly counter-productive”, undermining the credibility of the Government’s case for war and the documents that were part of it.
- Ministers had not misled Parliament.

389. The postscript to the FAC report recorded the continuing absence of conclusive evidence that Iraq possessed WMD:

“Months after the cessation of the military phase of operations in Iraq, no conclusive evidence has come to light that the regime did indeed possess weapons of mass destruction. The question arises, why were these weapons not used, assuming they existed at all? This is at once one of the most difficult and one of the most important questions the Government has to answer.”

390. The FCO sent its initial response to the FAC report in November.¹⁹¹ It deferred its response to the FAC’s conclusions on the 45 minutes claim and the September dossier until after the conclusion of the Hutton Inquiry.¹⁹² Both responses are addressed later in this Section.

Mr Blair’s evidence to the Liaison Committee, 8 July 2003

391. During his evidence on Iraq to the Liaison Committee of the House of Commons on 8 July, Mr Blair was repeatedly asked about the Government’s position on Iraq’s WMD.¹⁹³

392. In his responses, Mr Blair made a number of points, including:

- The House of Commons had not been misled and he stood by the case which had been made for military action “totally”.
- There was “no doubt whatever that Saddam Hussein was developing weapons of mass destruction”, and that, when the UN inspectors “finally had to leave” in December 1998, “they made it quite clear that in their view ‘unaccounted for’ meant that he had not revealed them”.
- He had “no doubt at all” that the ISG would find “evidence of weapons of mass destruction programmes”.
- The policy of containment “was not working”. Saddam Hussein’s strategy “was to conceal the programmes, to keep the basic expertise in place and then, the moment the threat was lifted to go back to reinvigorating the programmes again”.

¹⁹¹ Ninth Report from the Foreign Affairs Committee, Session 2002-2003, *The Decision to go to War in Iraq, Response of the Secretary of State for Foreign and Commonwealth Affairs*, Cm6062.

¹⁹² Ninth Report from the Foreign Affairs Committee, Session 2002-2003, *The Decision to go to War in Iraq, Further Response of the Secretary of State for Foreign and Commonwealth Affairs*, Cm6123.

¹⁹³ Liaison Committee of the House of Commons, Session 2002-2003, *Oral evidence taken before the Liaison Committee on Tuesday 8 July 2003*, Qs 146-209.

- The September dossier had stated that Saddam Hussein would engage in a programme of concealment and he (Mr Blair) believed, from the information now available, that was “precisely what he did”.
- He reiterated the validity of the intelligence in relation to the statement that Iraq had chemical and biological weapons that could be activated within 45 minutes.
- He suggested that the alternative hypothesis to the one he had set out was that Saddam Hussein had decided to get rid of the weapons but had not told anyone; he did not think that was “a very serious hypothesis”.
- He regretted that the dossier that had been produced in February had not correctly attributed the information which had been drawn from published sources; but that information was correct. The first and third parts of the dossier were based on intelligence information.
- The information in the September dossier on Iraqi attempts to procure uranium from Niger was not based on the “so-called ‘forged’ documents” seen by the IAEA, but on separate intelligence.
- The ISG should be allowed time to do its work. It would be addressing the issues “in a systematic way”, which Dr Blix “was unable to do”. “[C]hasing round trying to find the stuff” was “always going to be incredibly difficult”. The only way to “get to the truth” was “by interviewing the people involved”.

House of Commons debate on Iraq, 15 July 2003

393. On 15 July, the House of Commons rejected a second Opposition motion calling for an independent judge-led inquiry into pre-conflict intelligence.

394. In the House of Commons on 15 July, Mr Menzies Campbell asked Mr Straw:

“... does not the absence of chemical and biological weapons, the embarrassing and apparently escalating dispute between Washington and London over Niger, the failure to find SCUD missiles and the controversy over the February dossier make an irresistible case for an inquiry independent of Parliament and led by a senior judge?”¹⁹⁴

395. Mr Straw replied that “the combination of the Foreign Affairs Committee and the Intelligence and Security Committee is appropriate”.¹⁹⁵

396. An Opposition motion tabled in the House of Commons on 16 July by Mr Ancram stated:

“That this House welcomes the Ninth Report from the Foreign Affairs Committee ... but notes some reservations by Committee members that it not only had insufficient time but insufficient access to crucial documents to come to comprehensive and

¹⁹⁴ House of Commons, *Official Report*, 15 July 2003, column 158.

¹⁹⁵ House of Commons, *Official Report*, 15 July 2003, column 159.

definitive conclusions on some of the issues; further notes the recent concerns raised over intelligence material; and calls on the Government to set up a judicial inquiry finally to establish the facts of the matter.”¹⁹⁶

397. In the debate that followed, Mr Ancram stated:

“The Prime Minister and the Government have an overriding duty to be scrupulous and consistent in the way that they provide intelligence material to Parliament. Over these last months that has clearly not been the case. Two key areas exist ... the status of the evidence on weapons of mass destruction, and ... the way in which the Government have handled and made public the material.

...

“For example, there was a claim about uranium from Niger going to Iraq. The claim was stated as a fact in the September dossier but was subsequently shown to have been partially based on forged documents. There was no explanation of who forged them and why. There is no mention of CIA concerns in the Government’s response. We now have a belated explanation that there were other sources of intelligence that apparently cannot be disclosed. Even more unusually we are told such sources cannot be shared with the United States.

...

“Some will ask whether the dodgy dossier really matters. The fact that the Prime Minister misrepresented its provenance goes to the heart of the trust that Parliament can put in what he tells it is, or is not, intelligence ...

“The erosion of public confidence is gathering pace and beginning to damage the national interest ...

“There is an urgent unanswerable case for the Government to set up an independent judicial inquiry ...”¹⁹⁷

398. Mr Straw tabled the Government’s amendment.¹⁹⁸ He stated that an independent judicial inquiry, whether set up under the Tribunals of Inquiry (Evidence) Act 1921 or not, “can be frustrating for the public because of the duration and the costs involved”. It was also quite wrong to assume that such inquiries “automatically bring such issues to a close”.

399. Mr Straw concluded:

“A vote for the Opposition’s motion would be a vote of no confidence in the Intelligence and Security Committee ... It would also be a vote of no confidence in

¹⁹⁶ House of Commons, *Official Report*, 16 July 2003, column 287.

¹⁹⁷ House of Commons, *Official Report*, 16 July 2003, columns 288-293.

¹⁹⁸ House of Commons, *Official Report*, 16 July 2003, column 296.

the ability of this Parliament to have effective oversight of agencies and Ministers on intelligence matters.”¹⁹⁹

400. The Opposition motion was defeated by 299 votes to 200. The Government amendment, agreed without a further vote, stated:

“That this House ... believes that the Intelligence and Security Committee ... is the appropriate body to consider the intelligence relating to Iraq; and notes that this Committee has already begun its inquiry.”²⁰⁰

401. In response to a written question from Ms Lynne Jones (Labour) on 18 July, Mr Bill Rammell, FCO Parliamentary Under-Secretary of State, stated that the assessment that Iraq had attempted to procure uranium from Africa was based on information from the intelligence service of another Government. The UK Government could not pass it to anyone else without the express consent of the originator.²⁰¹

Uranium and Niger

In the September 2002 dossier on WMD (*Iraq's Weapons of Mass Destruction. The Assessment of the British Government*), the Government stated that “there is intelligence that Iraq has sought the supply of significant quantities of uranium from Africa”.²⁰²

In his January 2003 State of the Union address, President Bush stated: “The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.”²⁰³

On 7 March 2003, Dr Mohamed ElBaradei, Director General of the IAEA, informed the UN Security Council that the documents pointing to an agreement between Niger and Iraq for the sale of uranium between 1999 and 2001 were “not authentic” and that those specific allegations were “unfounded”.²⁰⁴

In its report *The Decision to go to War in Iraq*, published in July 2003, the House of Commons Foreign Affairs Committee (FAC) stated that the assertion in the September 2002 dossier should have been qualified to “reflect the uncertainty” surrounding the evidence upon which it was based.²⁰⁵

In its response to the FAC in November 2003, the FCO stated that: “the claim in the September dossier rested on separate evidence to that judged fraudulent by the IAEA”, and that this intelligence was still under review and had not been shared with the CIA.²⁰⁶

¹⁹⁹ House of Commons, *Official Report*, 16 July 2003, column 305.

²⁰⁰ House of Commons, *Official Report*, 16 July 2003, column 346.

²⁰¹ House of Commons, *Official Report*, 18 July 2003, column 810W.

²⁰² *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 25.

²⁰³ The White House, 28 January 2003, *President Delivers “State of the Union”*.

²⁰⁴ UN Security Council, ‘4714th Meeting Friday 7 March 2003’ (S/PV.4714).

²⁰⁵ Ninth Report from the Foreign Affairs Committee, Session 2002-2003, *The Decision to go to War in Iraq*, HC 813-1.

²⁰⁶ Ninth Report from the Foreign Affairs Committee, Session 2002-2003, *The Decision to go to War in Iraq, Response of the Secretary of State for Foreign and Commonwealth Affairs*, Cm6062.

In July 2004, the Butler Report supported the FCO's claim, concluding that the report appeared "well-founded": the "intelligence was credible" that Iraq had sought to purchase uranium ore from Niger in 1999.²⁰⁷

The Iraq Survey Group found no evidence that Iraq sought uranium from abroad after 1991. It found only one offer of uranium to Baghdad after 1991, and that had been turned down because of sanctions.²⁰⁸

JIC Current Intelligence Group Assessment, 16 July 2003: 'Iraq: Prohibited Ballistic Missile Designs'

402. At the request of the JIC Sub-Committee on Iraq/WMD, a Current Intelligence Group (CIG) assessed the information on prohibited missile designs provided by senior figures in the missile programme.²⁰⁹

403. The Key Judgements were:

"I. Information that Iraq was pursuing a number of designs for prohibited ballistic missiles between 2000 and 2002 is, despite some discrepancies, credible.

"II. The missiles were designed to reach ranges between 500-600km and 900-1,000km. Initial examination indicates that the designs produced and the four to five year timeframe envisaged to reach full production appear technically credible.

"III. Senior figures in the ballistic missile programme were actively engaged in concealing this design work from UNMOVIC, both physically and in interviews with inspectors. The aim was to preserve the designs for future use.

"IV. Some of the individuals are not being entirely forthcoming on sensitive issues, such as chemical and biological warhead designs, possibl[y] out of fear of the consequences for them."

404. The Assessment stated that two consistent themes had emerged from the interviews that had been conducted so far:

- Iraq worked on a number of missile designs between late 2000 and early 2002 ... but no missile hardware was produced;
- Orders were received in mid 2002 to conceal all signs of such design work from UN weapons inspectors and these orders were carried out."

²⁰⁷ *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898.

²⁰⁸ Central Intelligence Agency, 30 September 2004, *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD*, Volume II, 'Nuclear', pages 7-8.

²⁰⁹ CIG Assessment, 16 July 2003, 'Iraq: Prohibited Ballistic Missile Designs'.

405. The Assessment contained statements relating to the development of missile systems including:

- Iraq was using multiple Volga engines (the Al Samoud missile had only one engine). The missile designs were judged to be “credible”; Iraq had “previous experience with multiple engine systems”. The twin engine missile “would have had a range approaching that of the Al Hussein (650km)”, but “a much smaller payload”.
- Work had not been undertaken after early 2002.
- There was “currently no evidence to link the 380 illicitly procured Volga engines to these designs, although the number purchased was probably in excess of that required for the Al Samoud programmes”.
- Intelligence pre-conflict had indicated possible work on a long-range derivative of the SCUD missile, with a range of around 1,200km, but all those interviewed had stated that they were unaware of any continuing work on a SCUD-based system.
- There had been design work on developing the short-range Al Fatah (Ababil 100) missile.

406. The Assessment concluded that it was not clear why development of the designs for prohibited missile systems had been halted. There was a clear intent to preserve the designs for future use and UNMOVIC inspectors had been deceived during interviews. Areas for further investigation included:

- “the issue of chemical and biological warheads”;
- “the purpose of missile infrastructure such as the Al Rafah test stand”; and
- “the extent of foreign technical and material assistance”.

407. Sir John Scarlett told the Inquiry that after this Assessment:

“... there wasn’t a further formal JIC Assessment until the end of the following year, 23 December 2004, when there was a formal review of JIC judgements in 2002, which took account of the ISG final report which had been issued in October 2004.

“But in case anybody thinks that therefore the JIC wasn’t looking at it at that time, it certainly was, but it was doing it through the process of reporting from, contact with, monitoring of, participation in, through British representatives, the work of the ISG on the ground. There were regular reports coming in and then being disseminated to No.10 and to JIC members, and that is how the work of the ISG was tracked.”²¹⁰

²¹⁰ Private hearing, 5 May 2010, page 59.

The ISG builds momentum

408. On 16 July, Mr Howard reported that the ISG was now focusing its effort on debriefings and document exploitation, but that it was still “very much at the beginning” of its task.

409. Mr Howard visited the ISG in Baghdad and Qatar in the second week of July.²¹¹ He reported to Mr Scarlett that:

“A lot of emphasis is being placed on human intelligence and interviews and debriefings both of high value detainees and low ranking individuals. Another main area of effort, which is beginning to produce some results, is document and other media exploitation. Major centres for this have been set up both in Baghdad and in Qatar which bring together subject matter experts, linguists and, in the case of Baghdad, some powerful IT tools to sift what is a vast quantity of material for interesting information and leads.

“... But, it is still true to say that we are very much at the beginning of the task and the ISG has only really reached its current state of effectiveness in the last fortnight.”

410. Mr Howard provided a copy of the ISG’s four “Operating Hypotheses”:

- “• Iraq had an active WMD development program separate and apart from WMD production
- Iraq hid CW/BW weapons and agents, delivery systems, and WMD program information within Iraq away from sites known to the Coalition, or outside Iraq
- Iraq destroyed existing stockpiles (but likely retained a mobilization or production capability that could produce CW/BW agents and delivery systems)
- If Iraq destroyed its stockpile (or most of it), it would have taken place at remote locations or areas with no previous link to the WMD program.”

411. Mr Howard advised that, with the exception of evidence of Iraqi attempts to extend the range of anti-ship cruise missiles to 180km, there needed to be “a good deal more exploitation and investigation before a rounded picture in any of the key areas can be pulled together”.

412. Mr Howard reported that Dr Kay wanted to avoid “drip-feeding” material to London or Washington for fear of leaks and of raising expectations unjustifiably. Dr Kay was also very wary of making anything public in the near future, but was “pretty bullish” that he would have “a reasonably convincing BW package for use in public by early to mid September”. He would understand if the UK wanted to publicise the missile programme before then, but believed it would have more impact combined with something on BW or CW in September. Mr Howard agreed.

²¹¹ Minute Howard to Scarlett, 16 July 2003, ‘Iraq WMD’ attaching Paper [unattributed], [undated], ‘ISG Operating Hypotheses’.

413. Mr Howard described the main risks and obstacles facing the ISG:

- the security situation (addressed in more detail in the Box, ‘Deteriorating Security and the ISG’, later in this Section);
- an “insufficiently flexible detention policy”, which was being exploited by former regime figures to discourage people from co-operating; and
- the “lack of an immunity component to the incentives package”.

414. Mr Scarlett reported Mr Howard’s conclusions to Sir David Manning together with an outline of the draft JIC Assessment of Iraq’s prohibited missile systems.²¹²

415. Mr Scarlett advised Sir David that evidence on Iraq’s missile, nuclear and BW programmes gathered so far demonstrated “a clear policy of concealment”, including “physical and oral deception”.

416. Mr Scarlett’s minute was seen by Mr Blair.²¹³

417. Asked how the absence of evidence of WMD in Iraq was presented to Mr Blair, Sir John Scarlett told the Inquiry:

“The advice from the Cabinet Office and from the Assessments Staff and the JIC was straight down the middle. He [Mr Blair] was told what was being found and what was not being found, and he was given the best advice about the significance of what was being found and not being found ... [T]here was nothing in the advice that went from me or from the JIC ... [to indicate] that anyone was raising expectations that weren’t justified.”²¹⁴

418. In Washington on 17 July, Mr Blair told the media that he believed “with every fibre of instinct and conviction” that he was right about the threat from Iraqi WMD, but that it was important to wait for the ISG to complete its work.

419. On 17 July, Mr Blair visited Washington to deliver a speech to a joint meeting of Congress, which had awarded him the Congressional Gold Medal. He also met the Congressional leadership and, separately, President Bush (see Section 9.2).²¹⁵

420. Before the visit, the British Embassy Washington reported that the debate on Iraqi WMD in the US remained “febrile”.²¹⁶ In the face of an offensive on the issue by the Democratic Party and in the media, mutual distrust between the White House and the CIA was palpable. All the Democrat presidential candidates were raising questions about US intelligence, while other leading Democrats stepped up calls for a full Congressional investigation or an independent inquiry. Congressional Republicans were holding the line

²¹² Minute Scarlett to Manning, 16 July 2003, ‘Iraq WMD: Update from the ISG’.

²¹³ Manuscript comment Manning, 17 July 2003, on Minute Scarlett to Manning, 16 July 2003, ‘Iraq WMD: Update from the ISG’.

²¹⁴ Private hearing, 5 May 2010, page 62.

²¹⁵ Letter [Private Secretary] to Adams, 18 July 2003, ‘Prime Minister’s Visit to Washington, 17 July’.

²¹⁶ Telegram 957 Washington to FCO London, 17 July 2003, ‘Iraq WMD: Update, 16 July’.

that the search for WMD should be given time and the House and Senate Intelligence Committees allowed to work through huge quantities of intelligence provided by Mr Tenet before any decision was taken.

421. In his speech to Congress on 17 July, Mr Blair warned of the risk that “terrorism and states developing weapons of mass destruction come together”.²¹⁷ He stated:

“If we are wrong, we will have destroyed a threat that at its least is responsible for inhuman carnage and suffering.

“That is something I am confident history will forgive.

“But if our critics are wrong, if we are right, as I believe with every fibre of instinct and conviction I have that we are, and we do not act, then we will have hesitated in the face of this menace when we should have given leadership.

“That is something history will not forgive.”

422. At a joint press conference with Mr Blair, President Bush was asked whether he agreed with the suggestion in Mr Blair’s speech that he might be proved wrong about the threat from Iraqi WMD. President Bush offered three explanations for the absence of a breakthrough in the search for WMD: the “chaos” in Iraq; the effort Saddam Hussein had put into concealment; and the fact that high-level officials were only just starting to co-operate.²¹⁸

423. President Bush predicted that:

“... we will bring the weapons, and, of course, we will bring the information forward on the weapons when we find them.

“And that’ll ... end all this speculation.

...

“And we based our decisions on good, sound intelligence, and ... our people are going to find out the truth. And the truth will say that this intelligence was good intelligence; there’s no doubt in my mind.”

424. Mr Blair added:

“... if I could just correct you on one thing, I certainly did not say that I would be proved wrong. On the contrary, I said with every fibre of instinct and conviction I believe that we are right.

...

²¹⁷ *BBC News*, 17 July 2003, *Text of Blair’s speech*.

²¹⁸ *CNN.com*, [undated], *Transcript: Bush-Blair news conference*.

“The history of Saddam Hussein and weapons of mass destruction is a 12 year history, and is a history of him using the weapons and developing the weapons and concealing the weapons and not complying with the United Nations inspectors who were trying to shut down his programmes.

“And I simply say – which is why I totally agree with the President – it’s important we wait for the Iraq Survey Group to complete their work. Because the proposition that actually he was not developing such weapons and such programmes, having finally effectively got rid of them in December ’98, he then took all the problems and sanctions and action upon himself, voluntarily destroyed them but just didn’t tell anyone.

“I don’t think that’s very likely as a proposition. I really don’t.”

425. On 18 July, the body of Dr Kelly was discovered near his Oxfordshire home.²¹⁹

426. The decision to set up an investigation into Dr Kelly’s death headed by Lord Hutton is summarised in the Box below.

The death of Dr David Kelly and the Hutton Inquiry

Following the controversy surrounding the allegations by the *BBC* journalist Mr Andrew Gilligan that the September 2002 intelligence dossier had been “sexed up”, Dr David Kelly, MOD Special Adviser Counter-proliferation and Arms Control, was invited to give evidence to the House of Commons Foreign Affairs Committee on 15 July 2003 and the Intelligence and Security Committee of Parliament on 16 July.

On 18 July 2003, Dr Kelly’s body was found near his Oxfordshire home.²²⁰

Later on 18 July, Lord Hutton was asked by Lord Falconer, the Secretary of State for Constitutional Affairs, “urgently to conduct an investigation into the circumstances surrounding the death of Dr Kelly”.²²¹

Lord Hutton concluded that his Terms of Reference should include investigation of the two allegations that had drawn Dr Kelly into the controversy surrounding Mr Gilligan’s broadcasts on the *Today* programme:

“... (1) that the Government probably knew, before it decided to put it in the dossier of 24 September 2002, that the statement was wrong that the Iraqi military were able to deploy weapons of mass destruction within 45 minutes of a decision to do so and (2) that 10 Downing Street ordered the dossier to be sexed up”.²²²

²¹⁹ *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly C.M.G. by Lord Hutton*, 28 January 2004, HC 247, paragraph 130.

²²⁰ *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly C.M.G. by Lord Hutton*, 28 January 2004, HC 247, paragraph 130.

²²¹ *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly C.M.G. by Lord Hutton*, 28 January 2004, HC 247, paragraph 1.

²²² *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly C.M.G. by Lord Hutton*, 28 January 2004, HC 247, paragraph 9.

Lord Hutton concluded that the wider issue of the reliability of the intelligence contained in the dossier did not fall within his Terms of Reference.

The Hutton Inquiry began its hearings on 11 August.²²³

The *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly C.M.G.* was published on 28 January 2004. The Report's findings are addressed later in this Section.

427. On 24 July, officials advised Ministers that Dr Kay had brought new impetus to the ISG, which was now operating in a “systematic fashion”.

428. At the meeting of the AHMGIR on 24 July, the MOD reported that the ISG was now operating in a “systematic fashion” and that Dr Kay had given new impetus to its work.²²⁴ The approach was to “understand WMD programmes as whole, with particular focus on BW and the special Security Organisation”. Ministers agreed that the UK should continue to engage closely with the ISG and that the UK should be “fully consulted before any major conclusions were presented publicly”.

Revised Directive on UK military co-operation with the ISG

On 30 July, General Sir Michael Walker, Chief of the Defence Staff, issued a revised Directive for Op TELIC, superseding the version issued on 18 March and the supplementary material on the ISG issued on 18 June.²²⁵

The revised Directive included a revised strategic military objective that, for the first time, incorporated the search for WMD:

“To support the Coalition effort, within allocated resources, to stabilise Iraq, find/secure WMD, alleviate humanitarian needs, and help create the conditions for the achievement of the strategic end state.”

The Directive included instructions on co-operation with the ISG:

“The shift towards a pro-active WMD finding, evidence handling and elimination (of soft and hard components) continues and will be led by the ISG. WMD will not be located only at SSEs [locations of Sensitive Site Exploitation], we will encounter it *ad hoc*, and we will have to extend search activities beyond SSEs. WMD ‘soft’ components and particularly scientists and military experts are very important to the evidence and elimination programme and HUMINT [human intelligence] is an area where the UK contribution is highly valued ... You should note that ISG incorporates many other strands in its mission than just WMD. Your mainstream CBRN [chemical, biological, radiological and nuclear] recce assets, principally from the J[oin]t NBC Reg[imen]t will be supplemented then replaced by specialist search teams. You are

²²³ *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly C.M.G. by Lord Hutton*, 28 January 2004, HC 247, paragraph 6.

²²⁴ Minutes, 24 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

²²⁵ ‘Chief of the Defence Staff Directive to the Joint Commander for Operation TELIC (Edition 3)’, 30 July 2003.

to provide support, as appropriate, to the ISG as it develops, but this must not be detrimental to the overall FP [force protection] posture adopted.”

Those instructions remained largely unchanged when the Directive was revised in December 2003.²²⁶

429. Mr Scarlett told Mr Straw’s Private Office on 24 July about a US request for the current UK assessment of the possible BW trailers to be provided to the Senate Intelligence Committee.²²⁷ The assessment would not be made public.

430. Mr Scarlett attached a one-page draft assessment for Mr Straw’s approval, cleared with DIS and SIS, which stated:

“With the information currently available we are not able to judge that these trailers are the transportable BW production system (TPS) described in intelligence.

...

“The assessment of an independent UK analyst is that these trailers have the potential, with a minor modification (addition of flexible tube), to carry out biological production ...

...

“Confirmation of the exact purpose of the trailers will require further documentary exploitation, chemical/biological analysis and reporting from personalities associated with the mobile programmes in Iraq ...

“Any final decision on the purpose of the trailers would currently be premature.”

431. On 29 July, Mr Scarlett informed Mr Straw’s Private Office that a difference of analysis about the trailers had arisen within the US intelligence community.²²⁸ Mr Scarlett reported that he had told the CIA the UK would not submit its own assessment for presentation to the Senate, pending a review of the revised position taken by another part of the US intelligence community.

432. During their conversation on Iraq on 31 July, Mr Blair and President Bush discussed Dr Kay’s progress.²²⁹ Most resources were allocated to Iraq’s BW programme. They

²²⁶ ‘Chief of the Defence Staff Directive to the Joint Commander for Operation TELIC (Edition 3)’, 19 December 2003.

²²⁷ Minute Scarlett to PS/Foreign Secretary, 24 July 2003, ‘Iraq – Submission to Senate Intelligence Committee Enquiry’ attaching Paper [unattributed], 24 July 2003, ‘UK Assessment of Possible Transportable Biological Agent Production System’.

²²⁸ Minute Scarlett to APS/Foreign Secretary, 29 July 2003, ‘Iraq: Submission to Senate Intelligence Committee Inquiry’.

²²⁹ Letter Rycroft to Adams, 31 July 2003, ‘Iraq: Prime Minister’s Conversation with Bush, 31 July’.

discussed the need for more individuals working on nuclear matters. Addressing the very large quantity of documents held was being given a lower priority.

Preparation of the ISG Interim Report

433. During August, UK and US officials began to discuss the content of Dr Kay's ISG Interim Report, scheduled for the second half of September.

434. UK officials assessed that the report "certainly would not" persuade sceptics, but might be enough to persuade others that progress was being made.

435. At the end of August, the British Embassy Washington reported that the US Government was bracing itself for a disappointing report.

436. Mr Scarlett succeeded Sir Richard Dearlove as Chief of SIS on 1 August.

437. Dr Kay and Maj Gen Dayton visited London on 5 August.²³⁰

438. On 6 August, Mr Howard sent Mr Scarlett thoughts on handling Dr Kay's first progress report, scheduled for mid to late September. It was essential that any public report was "firmly based on an honest and thorough assessment of the intelligence picture so far" and that the UK's classified assessment "matches that of the Americans exactly". Mr Howard suggested that public perceptions were "heavily skewed" by media interest in Dr Kelly and the Hutton Inquiry, and that there was likely to remain "a deep vein of scepticism" about what might be found.

439. Mr Howard added:

"... a progress report which focuses mainly on evidence of programmes and intent and is short on actual hardware is likely to provoke a mixed reaction. It certainly will not persuade the sceptics. But it may be enough to persuade the mainstream that progress is being made."

440. Mr Scarlett updated No.10 on 8 August.²³¹ He reported that Dr Kay was convinced that the ISG was making progress, but cautioned that Dr Kay had a "tendency to overstate potential leads". ISG efforts were focused on BW, but there was also progress in other areas. Developments included:

- **BW:** the ISG was developing a clearer picture of the role of the Iraqi Intelligence Service (IIS). It had concluded that the UN would not have been able to discover the full extent of Iraq's BW programme because of "the comprehensive nature of Iraq's concealment and deception policy". The 97 vials recovered from the home of a BW scientist had tested positive for traces of live type B clostridium botulinum, the cause of botulism in humans. Iraq had never declared possession of the type B strain.

²³⁰ Letter Howard to Scarlett, 6 August 2003, 'Iraqi WMD: Next Steps'.

²³¹ Minute Scarlett to Cannon, 8 August 2003, 'Iraq WMD'.

- Missile programme: evidence of proscribed liquid and solid propellant development projects that had not progressed beyond the design phase, with no evidence of production.
- CW: “some encouraging leads particularly on VX”.
- Nuclear: the ISG had discovered that in 2002 the Iraqi Atomic Energy Commission had obtained a balancing machine identified as the most important item for a centrifuge programme. This indicated that Iraq’s nuclear programme might have taken “a small but significant step forward” while sanctions were in place.

441. Mr Scarlett explained that the ISG expected to issue a classified progress report to the UK, US and Australian Governments in mid-September. It was “unlikely” the report would:

“... present conclusive proof of Iraqi possession of WMD, although General Dayton said it should provide ample evidence that Iraq was in material breach of UNSCR 1441 because of the level of deception and concealment of Iraqi WMD (eg the missile plans and the BW vials)”.

442. In a Note to No.10 officials on 16 August, Mr Blair listed three foreign policy priorities, including “Iraq/Afghanistan”.²³² On Iraq and WMD he wrote:

“As a discrete part of our strategy, the issue of WMD and Iraq as a threat must be dealt with. But this can be done. We have Hutton; we have an ISG report in September; we will be, hopefully, in a better position inside Iraq. But NS [Sir Nigel Sheinwald, successor to Sir David Manning as Mr Blair’s Foreign Policy Adviser] and team should draw up a strategy on this.”

443. On 19 August, Mr Sérgio Vieira de Mello, the UN Secretary-General’s Special Representative for Iraq, was killed in an attack on the UN headquarters in Baghdad (see Box below).²³³

Deteriorating security and the ISG

Deteriorating security in Iraq had an increasing impact on ISG operations from summer 2003.

On 13 August, the DIS reported the possibility of an emerging pattern of shootings at scientists who co-operated with the ISG.²³⁴

On 19 August, a bomb exploded outside the UN headquarters at the Canal Hotel in Baghdad, killing 22 UN staff and visitors, including Mr Sérgio Vieira de Mello, the UN Secretary-General’s Special Representative for Iraq (see Section 9.2).²³⁵

²³² Note [Blair to No.10 officials], 16 August 2003, [untitled].

²³³ Report of the Independent Panel on the Safety and Security of UN Personnel in Iraq, 20 October 2003.

²³⁴ Op ROCKINGHAM Daily, 13 August 2003.

²³⁵ Report of the Independent Panel on the Safety and Security of UN Personnel in Iraq, 20 October 2003.

Lieutenant General Andrew Ridgway, Chief of Defence Intelligence, told the Chiefs of Staff on 20 August:

“Further attacks were expected. The bombing would affect coalition building, NGO confidence, and the reconstruction of utilities, which if not expedited could lead to a significant loss of consent.”²³⁶

On 26 August, the DIS reported the disruption of an ISG deployment following an attack on a nearby US military convoy.²³⁷

As security deteriorated, the US sought to transfer some of the ISG’s analysis capabilities to counter-terrorism activities.

The Op ROCKINGHAM weekly update for 21-28 August reported that Secretary Rumsfeld and US General John Abizaid, Commander CENTCOM, had indicated that they wanted some of the ISG’s HUMINT and analysis capability dedicated to counter-terrorism tasks.²³⁸

In early September, the JIC judged that:

“The security environment will remain poor, and will probably worsen over the next year, unless the Coalition, in conjunction with Iraqis, can reverse current trends. There are likely to be more spectacular attacks.”²³⁹

In October, the DIS reported two direct attacks on ISG convoys.²⁴⁰

In his memoir, Mr George Tenet, the US Director of Central Intelligence (DCI), wrote:

“A senior military officer later told me he ... was ‘flabbergasted’ ... when [in November 2003] Kay refused to lend some of the ISG’s experienced intelligence analysts to help him find insurgents ‘that are killing us’ ... Had he been a regular CIA officer, I would have relieved Kay of his command and ordered him home.”²⁴¹

Major General Tim Tyler, British Deputy Commander of the ISG from early January to late March 2004, told the Inquiry “there were lots of ... constraints on the operations and the most predominant one was the security situation”.²⁴²

444. On 21 August, the ISG was reported to be “firmly established” in Baghdad.²⁴³ The Survey Operations Centre (SOC) and Survey Analysis Centre (SAC) had completed moves to their permanent location in Baghdad. Locations of the various operational elements of the ISG included:

- Combined Media Processing Centre (CMPC): headquarters in Qatar with satellite operations conducted out of Baghdad and Erbil;
- Joint Interrogation and Debriefing Centre (JIDC): Baghdad;

²³⁶ Minutes, 20 August 2003, Chiefs of Staff meeting.

²³⁷ Op ROCKINGHAM Daily, 26 August 2003.

²³⁸ Op ROCKINGHAM Weekly No.11, 21-28 August 2003.

²³⁹ JIC Assessment, 3 September 2003, ‘Iraq: Threats to Security’.

²⁴⁰ Op ROCKINGHAM Daily, 21 October 2003. Op ROCKINGHAM Daily, 30 October 2003.

²⁴¹ Tenet G & Harlow B. *At the Center of the Storm: My Years at the CIA*. HarperPress, 2007.

²⁴² Private hearing, 3 June 2010, page 12.

²⁴³ Op ROCKINGHAM Weekly No.10, 14-21 August 2003.

- Sector Control Point (SCP): Baghdad;
- Joint Captured Materiel Exploitation Centre (JCMEC): Baghdad;
- Task Force Disablement and Elimination (TF D/E): Baghdad;
- Coalition Operating Base – Irbil (COB-I); and
- Coalition Operating Base – Basra (COB-B).

445. In a note on 30 August, Mr Blair requested an immediate and longer-term Iraq strategy dealing with the situation on the ground in Iraq, how we improve it, how we improve the system for dealing with it; and WMD.²⁴⁴

446. Mr Blair added:

“... this must tie in with the way we deal with Hutton. I assume that though the judge may be critical of certain aspects of our handling, he will basically find for us. That may be optimistic. But if right, Hutton must be the chance to get our integrity back on Iraq. So whatever NS [Sir Nigel Sheinwald] does must include a timetable that incorporates: Hutton, Interim Report on WMD, improvement in Iraq, and other WMD issues (eg Iran, NK [North Korea] and Libya).”

447. Mr Straw informed Parliament on 1 September that:

“Coalition forces and specialist personnel of the Iraq Survey Group are actively pursuing sites, documentation and individuals connected with Iraq’s weapons of mass destruction programmes. We are investing significant effort in the search. The process will be painstaking.

“There have been some successes: the discovery of mobile laboratories which bear a striking resemblance to those described in US Secretary of State Colin Powell’s presentation to the UN Security Council in March 2003; and the recent recovery of a large quantity of documents relating to Iraq’s nuclear programme together with parts of a gas centrifuge which had been hidden since 1991 by an Iraqi scientist formerly engaged on Iraq’s nuclear programme. We anticipate that more scientists previously employed on Iraq’s WMD programmes will start to come forward with evidence and equipment.

“Any finds clearly must be very carefully analysed and assessed. This process is continuing. When we have collated the evidence, it will be presented appropriately and properly.”²⁴⁵

448. On 3 September, Mr Sebastian Wood, Counsellor for External Affairs at the British Embassy Washington, informed Mr Scarlett that the US Government was bracing itself for a disappointing report from Dr Kay.²⁴⁶ The Embassy was stressing to the US the

²⁴⁴ Note [Blair], 30 August 2003, [untitled].

²⁴⁵ House of Commons, *Official Report*, 1 September 2003, column 809W.

²⁴⁶ Letter Wood to Scarlett, 3 September 2003, ‘Pre-Conflict Intelligence on Iraq’.

need for careful co-ordination of public lines with the UK, but tensions between different interests in Washington meant that would be difficult. Close personal contact with Dr Rice and Mr Tenet would be important.

449. US General John Abizaid, Commander CENTCOM, called on Mr Blair on 5 September.²⁴⁷ Mr Blair commented that he had “more than a passing interest in what turned up on WMD”. Gen Abizaid reported that the ISG’s HUMINT effort was starting to tell and that there was “stuff buried all over the country”.

450. At Mr Powell’s request, Mr Scarlett updated No.10 on the search for WMD possibly concealed in Lake Qadisiyah, behind the Haditha Dam on the Euphrates.²⁴⁸ A Royal Navy team was due to arrive there on 5 September to assess the situation.

451. Mr Scarlett wrote:

“There have been a number of reports, of varying degrees of reliability, that WMD may have been concealed in lakes, reservoirs, canals and rivers by Iraqi military or security organisations. Several reports record local gossip. Certain locations feature in reports from a number of sources, some with apparently good access or with an established record of reliable reporting.”

452. The ISG completed the search of Lake Qadisiyah on 14 September.²⁴⁹ No WMD-related material was found.

JIC discussion of the draft ISG Interim Report

453. The JIC discussed the draft ISG Interim Report on 10 September. It concluded that the draft contained little that was new and that handling of the report would be vital.

454. The JIC considered a Discussion Note, ‘Iraqi WMD: The Emerging Picture’, on 10 September.²⁵⁰ The minutes recorded that the main points made were:

“a) the first progress report from the ISG contained little new. Whilst there had been some progress on missiles and a coherent story on nuclear weapons, there was still a serious lack of hard evidence on CB. There had been a lot of collusion between Iraqi former officials under questioning and clear attempts to identify the limits of our knowledge in order to calibrate the information they gave ... sources were being intimidated and fear was a big factor with those working in the CB area; and

“b) the handling of the report would be vital. It was highly desirable to avoid publishing an unclassified version, which would not only display the limits of

²⁴⁷ Letter Cannon to Adams, 5 September 2003, ‘Iraq: Prime Minister’s Conversation with General Abizaid’.

²⁴⁸ Minute Scarlett to Cannon, 5 September 2003, ‘Iraq: Underwater Concealment of WMD’.

²⁴⁹ Op ROCKINGHAM Daily, 15 September 2003.

²⁵⁰ Minutes, 10 September 2003, JIC meeting.

our current knowledge but act as a disincentive to potential sources. We should therefore ensure an authoritative discussion ... with the Allies at an early stage.”

455. Following the discussion, a small number of amendments were made to the Note, including the addition of the judgement that it was “too early to conclude that there were no [chemical and biological] programmes”.²⁵¹ An Annex to the paper stated:

“So far no chemical or biological munitions or stocks of agent have been found, nor have any Al Hussein missiles or parts. A number of high level detainees claim that these munitions and systems do not exist. However, there are serious doubts over their openness and co-operation”.

456. A number of other possible explanations as to why no munitions or systems had been found were identified, some supported by intelligence, including:

- destruction or concealment on the battlefield;
- destruction to ensure they were not discovered by UNMOVIC inspections;
- a concealment operation “so comprehensive that it did not allow for the rapid reconstitution of an effective CBW or Al Hussein missile capability”;
- a political decision-making process paralysed by the Coalition attack;
- exaggeration of Iraq’s capabilities by Iraqi opposition groups, “possibly through deliberate manipulation by the Iraqi intelligence services. UK intelligence assessments did not rely heavily on reporting from Iraqi opposition groups, but it cannot be ruled out that UK sources indirectly picked up some disinformation.”

457. The revised Note was sent to Sir Nigel Sheinwald, Sir David Manning (British Ambassador to the US) and JIC Members, by Mr Scarlett on 12 September.²⁵²

458. The JIC Sub-Committee on Iraq/WMD discussed the ISG Interim Report on 12 September. It agreed advice for Mr Straw, Mr Hoon, Sir Nigel Sheinwald and Sir Richard Dearlove to use in contacts with their US counterparts.²⁵³

459. Mr Edward Oakden, FCO Director International Security, wrote:

“The objective, self-evidently – which I underlined repeatedly at the JIC Sub-Group – is to play down Kay’s Report, making clear its interim nature: very far from the ISG’s considered assessment.”

²⁵¹ Note [JIC], [undated], ‘Iraqi WMD: The Emerging Picture – Discussion Note for the JIC Meeting 10 September 2003’.

²⁵² Minute Scarlett to Sheinwald, 12 September 2003, ‘Iraqi Survey group: interim report’ attaching Paper [unattributed], [undated], ‘Kay Report: Points to Make with US Interlocutors’ and Note [JIC], [undated], ‘Iraqi WMD: The Emerging Picture - Discussion Note for the JIC Meeting 10 September 2003’.

²⁵³ Minute Oakden to Private Secretary [FCO], 12 September 2003, ‘Iraq WMD: Handling the Interim ISG Report’.

460. After the meeting, Mr Scarlett wrote to Sir Nigel Sheinwald about the need urgently to address the handling of the ISG Interim Report once it reached Washington.²⁵⁴

461. Mr Scarlett told Sir Nigel that the ISG Interim Report was not expected to differ significantly from the UK assessment, set out in a revised Discussion Note following the JIC meeting on 10 September. Mr Scarlett identified the main points as:

- “• the working environment in Iraq has proved much more difficult than expected (poor security situation, more denial, deception and intimidation);
- the evidence so far has not shown that WMD programmes were active pre-conflict. Nor has any firm evidence emerged of Iraq possessing WMD;
- Iraq maintained an intention to restart its nuclear weapons programme when UN sanctions were lifted, and concealed equipment and documentation in support of this (much of this is already in the public domain);
- there is credible evidence confirming Iraq’s pursuit of ballistic and cruise missile programmes with ranges well in excess of the UN’s permitted limit (this will receive some publicity through *Panorama* in late September/early October);
- it is not yet possible to establish any firm picture of Iraq’s chemical and biological weapons capability. The compartmented, highly concealable, and dual-use nature of such programmes means that there are fewer firm leads to follow ... It is too early to conclude that there were no programmes, and we expect more information to become available. But this will be a long and difficult process;
- there is clear evidence that Iraq was in breach of UN Security Council Resolutions.”

462. Mr Scarlett advised that an ISG report along those lines, however interim, would raise difficult questions. That underlined the need to ensure it was handled correctly, with US and Australian agreement in advance. Mr Scarlett recommended publication of a short executive summary, with the full Interim Report being treated as a “classified stocktake for intelligence experts”. The summary should get across three “fundamental messages”:

- the Interim Report was “far from a considered final assessment”;
- the ISG was operating in a difficult security environment and after years of deception and denial by Iraq; and
- there was a good deal more work to do.

²⁵⁴ Minute Scarlett to Sheinwald, 12 September 2003, ‘Iraqi Survey group: interim report’ attaching Paper [unattributed], [undated], ‘Kay Report: Points to Make with US Interlocutors’ and Note [JIC], [undated], ‘Iraqi WMD: The Emerging Picture - Discussion Note for the JIC Meeting 10 September 2003’.

463. Mr Scarlett recommended urgent representations by Ministers and senior officials in Washington, and on diplomatic and intelligence channels in Canberra. He provided seven points to be made with US interlocutors:

- “• Essential to have handling strategy agreed in Washington, London and Canberra.
- Potentially high-profile political issue in London.
- Expect that Report will feed scepticism about Iraq’s possession of WMD.
- Main aim, therefore, to keep Report profile low and emphasise interim expert nature.
- Do not favour publishing full Report even in redacted form. It will show the limits of our knowledge and deter other[s] from coming forward. Better to offer short Executive Summary.
- Need to be ready to say this is our approach if press are alerted to arrival of draft in Washington.
- Like to send team to Washington to concert detailed handling once draft Report received.”

464. Mr Ehrman discussed the ISG with the Office of the Secretary of Defense (OSD), the State Department, the National Security Council (NSC) and the CIA in Washington on 12 September.²⁵⁵ He asked whether the Interim Report needed to be published at all and raised the difficulties UK members of the ISG were having in accessing sensitive US information. US views on publication were mixed, but Dr Kay would almost certainly have to brief Congress. The NSC thought it inevitable that parts of the Report would leak and suggested that it would be better to publish the whole document to keep leaks in context.

465. The British Embassy reported that all Mr Ehrman’s interlocutors agreed to look into the “ridiculous situation” of UK access to sensitive US information.

ISC Report, 11 September 2003: ‘Iraqi Weapons of Mass Destruction – Intelligence and Assessments’

466. The ISC report *Iraqi Weapons of Mass Destruction – Intelligence and Assessments* was published on 11 September 2003.

467. The ISC sent its report *Iraqi Weapons of Mass Destruction – Intelligence and Assessments* to Mr Blair on 9 September.²⁵⁶

²⁵⁵ Telegram 1191 Washington to FCO London, 14 September 2003, ‘Iraq: WMD: Ehrman (DG Def/Int)’s Visit to Washington, 12 September’.

²⁵⁶ Letter Taylor to Blair, 9 September 2003, [untitled].

468. The ISC called on Mr Blair in Downing Street on 11 September, before the Report was laid before Parliament.²⁵⁷ Mr John Prescott (Deputy Prime Minister), Mr Straw, Sir David Omand, Mr Scarlett and Mr Powell were also present.

469. Mr Blair told the ISC that the ISG faced serious security constraints in Iraq, but its disclosures could change the context of discussion of Iraqi WMD in the UK.

470. In the conclusions to its report, the ISC stated that:

- The September 2002 dossier had been “founded on the assessments then available”.
- It was content that the JIC had “not been subjected to political pressures”. The JIC’s independence and impartiality had “not been compromised in any way”. The dossier had not been “sexed up”.
- Use of the phrase “continued to produce chemical and biological weapons” in the foreword could have given the impression that Saddam Hussein had been actively producing chemical and biological weapons and significant amounts of agents. The dossier should have highlighted uncertainty about what had been produced and in what quantities to give a balanced view of Saddam Hussein’s chemical and biological capacity.
- The dossier should have highlighted that battlefield rather than strategic weapons were the most likely chemical and biological munitions to be used against Western forces.
- The dossier had been for public consumption, not experienced readers of intelligence. It should have highlighted that the 45 minutes claim referred to battlefield chemical and biological munitions, not to any other form of attack. That omission had allowed speculation as to the exact meaning of the claim and had been unhelpful to an understanding of the issue.
- The initial failure by the MOD to disclose that some staff had put their concerns about the dossier in writing to their line managers was “unhelpful and potentially misleading”.
- If individuals in the intelligence community wrote formally to their line managers with concerns about JIC Assessments, those concerns should be brought to the attention of the JIC Chairman.²⁵⁸

471. Sir David Omand recommended that the Government delay its formal response to the ISC report until after the conclusion of the Hutton Inquiry, in line with the approach taken with the FAC.²⁵⁹

²⁵⁷ Minute, Cannon to Prout, 11 September 2003, ‘Intelligence and Security Committee’.

²⁵⁸ Intelligence and Security Committee, September 2003, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, Cm5972, paragraphs 106-116.

²⁵⁹ Letter Omand to Rycroft, 9 September 2003, ‘The Intelligence and Security Committee Report on Iraq’.

472. The Government response, sent in February 2004, is described later in this Section.

The ISG Interim Report, 2 October 2003

473. Sir Nigel Sheinwald discussed the ISG with Dr Rice in Washington on 14 September.²⁶⁰ After the meeting, he informed Mr Blair that the timing of the ISG Interim Report was unclear, but it was said to be detailed and long. There would be a short pause for analysis; Dr Kay would be obliged to brief Congressional Committees in private; and there would be leaks. The Report was likely to:

- confirm Iraqi deception and Iraqi intention to restart a nuclear weapons programme once sanctions were lifted;
- confirm Iraqi pursuit of ballistic and cruise missile programmes with ranges well beyond UN limits;
- provide little new information on BW or CW, “though there are some leads”.

474. Sir Nigel advised that there was a risk an Interim Report of that kind would be used to show there had been no immediate threat from Iraqi WMD. He and Dr Rice had agreed that handling should be low-key, stress the Interim Report’s preliminary nature, point out the difficulty of amassing evidence, and note that the Report showed Iraq had been in breach of UN resolutions.

475. Sir Nigel concluded:

“The idea of an Interim Report was conceived when we thought there would be more to say in the autumn. We are now stuck with it, and are not in control of its use. We can’t suppress it – its existence is too widely known. Nor did I seek to delay Kay’s Congressional meetings, or any public statement about the Report – this too would be likely to leak. But it is possible that there will be a delay anyway – to the week of 22 September, or later. And we should avoid publication of a redacted version and go, if possible, for something shorter. **Do you agree this approach?**”

476. Mr Hoon discussed the ISG with Secretary Rumsfeld on 15 September.²⁶¹ He observed that the forthcoming Interim Report “looked as though it was not going to be particularly exciting”. Mr Rumsfeld said that the process was “chugging along”, but the real issue was whether the ISG had enough people. Mr Hoon offered any further support that was needed.

477. Mr Scarlett discussed the ISG Interim Report and the UK proposals for handling it with a senior US official on 15 September.²⁶²

²⁶⁰ Minute Sheinwald to Prime Minister, 14 September 2003, ‘Visit to Washington’.

²⁶¹ Letter Williams to Rycroft, 16 September 2003, ‘The Defence Secretary’s Telephone Call with Donald Rumsfeld 15 September 2003 – Iraq’.

²⁶² Minute Scarlett to Sheinwald, 15 September 2003, ‘Iraq Survey Group: Interim Report: Update’.

478. Mr Scarlett reported to Sir Nigel Sheinwald that the US official had strongly agreed with the UK's preferred approach, but had made the point that the US and UK "could not just draft an Executive Summary as if we owned the Report". Mr Scarlett had acknowledged the point, "but repeated that the exceptional sensitivity of public presentation on this issue meant that we had to be involved".

479. Mr Blair and President Bush discussed the importance of the ISG's forthcoming Report in their video conference on 16 September.²⁶³ Mr Blair stated that Dr Kay should be able to refer to:

- the extent of Saddam's concealment operations;
- a ballistic missile programme on a far greater scale than intelligence had indicated;
- that Saddam had intended and prepared to reconstitute a nuclear programme after sanctions were lifted; and
- CW and BW programmes had been in existence as recently as the previous year.

480. On 18 September, Mr Wood reported from Washington that Mr Howard had been invited to discuss the draft ISG Interim Report at CIA Headquarters on 22 and 23 September.²⁶⁴

481. Initially, Mr Wood suggested that Mr Howard take the opportunity to call on Mr Dan Bartlett, White House Communications Director. He subsequently commented to Mr Miller that a call on Mr Bartlett:

"... needs to be weighed against the risk of Howard's visit leaking & being portrayed as a 'sexing up' exercise. May be better for us [the British Embassy] to follow up separately with Bartlett/White House."²⁶⁵

482. Mr Miller informed Mr Howard that, after consulting Sir David Manning, Mr Wood had decided it might be better if the visit did not involve meetings with the press and was kept to the intelligence community.²⁶⁶

483. On 19 September, Mr Rycroft chaired a meeting at No.10 to discuss how to handle the Interim Report.²⁶⁷ The Cabinet Office, the MOD, the FCO and SIS were represented.

²⁶³ Letter Cannon to Adams, 16 September 2003, 'Iraq: Prime Minister's video-conference with Bush, 16 September'.

²⁶⁴ Telegram JICTEL 95 Washington to JIC London, 18 September 2003, 'Iraq WMD: Kay Report'.

²⁶⁵ Manuscript comment Wood to Miller on Telegram JICTEL 95 Washington to JIC London, 18 September 2003, 'Iraq WMD: Kay Report'.

²⁶⁶ Manuscript comment Miller to Howard on Telegram JICTEL 95 Washington to JIC London, 18 September 2003, 'Iraq WMD: Kay Report'.

²⁶⁷ Minute Cannon to Watkins, 19 September 2003, 'Iraq Survey Group'.

484. Access to Dr Kay's text before its release remained a concern. The Interim Report was likely to be presented to Mr Tenet that day and Mr Howard was:

"... expected to have access to (but not copies of) the Report on Monday [22 September] in Washington, and possibly a chance on Tuesday to help draft a summary to be made public ..."

485. In the meantime, No.10 would continue to ask the White House for a copy of the Interim Report.

486. The meeting concluded that the Government's position with the media should be neither to heighten expectations nor to take a negative line in advance: **"The key question was whether the Report disclosed additional evidence that the Saddam regime had breached UNSCRs."** Additional material would be needed on areas expected to feature in the Interim Report as breaches of UNSCRs: "ballistic missiles, nuclear programme, UAVs, botulism". That material should be presented in a "facts-based, forensic manner".

487. Mr Howard read the Interim Report in Washington on 22 September.²⁶⁸

488. On 24 September, Mr Howard reported to a meeting of officials in London, chaired by Mr Miller, that the aim was "to complete the drafting process by the end of the week. A copy of the full Report would be sent electronically to C." It was likely that Dr Kay would brief the US oversight Committees the following week in private session, following which a very short public statement would be made, probably by Dr Kay and the Committee Chairs.

489. Mr Howard understood that:

"The US were keen that the approach in the three countries [UK, US and Australia] was broadly in line; there was currently no intention in the US for the Administration to lead on presenting it ... The UK and Australian preference was for a fuller executive summary to be produced which could be put in the public domain. One possibility was to make public the summary section of Kay's Report perhaps accompanied by a note of Iraqi breaches of UN resolutions (being prepared by the ISG) and evidence such as photographs of targeted locations and destruction. This approach would need to be agreed by Tenet and the White House."²⁶⁹

490. Mr Rycroft told Mr Blair:

- The draft ISG Interim Report was "a good, thorough, professional piece of work", which, helpfully, included a table setting out all the breaches of UN resolutions.
- The section on BW included information on the "vials etc".

²⁶⁸ Email Howard to Miller, 23 September 2003, 'ISG: interim report: discussions with CIA'.

²⁶⁹ Minute Church to Miller, 24 September 2003, 'Note of a Meeting to Discuss ISG Report – 24 September 2003'.

- CW was the “thinnest area”, with a “preliminary conclusion” that there were “no current programmes of production and no ability to fill munitions at the time of military action”, but there was “more work to be done”.
- “As expected”, the nuclear section included “evidence of plans to reconstitute the programme, including research into isotope separation”.
- The section on delivery systems included “lots on missile programmes, intentions, deception etc”.
- The section on destruction and sanitation was a “new element” with “evidence of targeted looting since the end of military action”.²⁷⁰

491. On the process of publication, Mr Rycroft explained:

- The UK was “pushing” the US to see whether Dr Kay’s Congressional and public appearances could be brought forward from 9 to 8 October, to expand Dr Kay’s public remarks, and to get him to publish at least his summary.
- Australia was “helpfully, pushing for a big public presentation”.
- Efforts to press the US on those and other points were “hampered by the arms length approach the Administration are taking”.

492. Mr Rycroft added that some aspects of handling the Interim Report had been overtaken by the “Andrew Neil leak”, which Mr Blair had already discussed with Mr David Hill, Mr Campbell’s successor as Mr Blair’s Director of Communications and Strategy. The Government was saying that it was Dr Kay’s Report, the Government did not have it, and any comment was speculation on “an incomplete Interim Report”.

493. On 24 September, the *BBC* reported that a Bush Administration source had told Mr Andrew Neil, presenter of *BBC Television’s Daily Politics*, that the ISG had found no WMD in Iraq.²⁷¹

494. In a letter to Sir Nigel Sheinwald on 24 September, Sir David Manning said that he had repeated to Mr Armitage how important it was to the UK that Dr Kay stress the provisional nature of his first report.²⁷² Sir David had also explained that there was “an immediate timing issue”, with “a difficult Labour Party conference lying in wait”.

495. Sir Nigel Sheinwald spoke to Dr Rice on 25 September.²⁷³ He explained the damaging impact of the recent leak and the extent of the Prime Minister’s concern. The leak had changed the situation and the UK hoped it would be possible to bring forward Dr Kay’s testimony in order to reduce the period of uncertainty.

²⁷⁰ Minute Rycroft to Prime Minister, 24 September 2003, ‘ISG Report’.

²⁷¹ *BBC News*, 24 September 2003, ‘No WMD in Iraq’, source claims.

²⁷² Letter Manning to Sheinwald, 24 September 2003, ‘Conversation with Rich Armitage’.

²⁷³ Letter Sheinwald to Adams, 25 September 2003, ‘Iraq: Conversation with US National Security Adviser’.

496. Mr Wood told Mr Scarlett on 25 September that President Bush's critics were:

"... primed to portray the Kay Report as more bad news from Iraq for the Administration. Leaks will get worse next week when the Report is circulated ... The media focus will inevitably be on the failure to find weapons. The more of Kay's Report is in the public domain, the less freedom critics will have to engage in inaccurate speculation.

"There may be more bad news round the corner in Congress, where ... the Senate Intelligence Committee may be coming to the conclusion that the judgements on Iraq WMD in the US National Intelligence Estimate of October 2002 were not justified by the raw intelligence."²⁷⁴

497. SIS3 responded to No.10's request [for additional material needed before the publication of the ISG Interim Report] on 26 September. SIS recognised:

"... the need to bolster Kay's Interim Report on publication but ... the release of any of our material on the Iraqi ballistic missile programme into the public domain would give us severe difficulty. This is a matter not just of source protection in relation to individual items, but of SIS being perceived by Iraqis and others to have received material in confidence and then been involved in releasing it in raw form to the press. This could damage SIS's reputation and make it even harder, in already adverse circumstances, to induce Iraqis to reveal the hard core secrets of the former regime's WMD programmes."²⁷⁵

498. On 29 September, Mr Wood reported that:

"... despite pressing hard ... we have not been able to get any further clarity from the NSC or CIA on what the Administration plan to make publicly available of David Kay's Report or of his testimony to Congress".²⁷⁶

499. Mr Wood explained that the Iraq WMD story was "now running full-bore in the US media". Democratic sources in Congress had leaked a letter from the House Intelligence Committee to Mr Tenet arguing that the judgements on Iraqi WMD in the US National Intelligence Estimate (NIE) of October 2002 were based on outdated, fragmentary and circumstantial evidence. Mr Wood added that "the media ... understand that this is something of a bombshell, and will not let this one drop."

500. On 30 September, Mr Miller reported that the classified Interim Report would be handed to the UK later that day. US intentions on handling the unclassified text remained uncertain.²⁷⁷

²⁷⁴ Letter Wood to Scarlett, 25 September 2003, 'Iraq WMD: the Mood in Washington'.

²⁷⁵ Letter SIS3 to Cannon, 26 September 2003, 'ISG: Material Need [sic] Ahead of Publication'.

²⁷⁶ Letter Wood to Scarlett, 29 September 2003, 'Iraq WMD: Latest Developments, 29 September'.

²⁷⁷ Minute Miller to Scarlett, 30 September 2003, 'ISG interim report'.

501. The classified version of the ISG Interim Report was received in London on 30 September.

502. Before Dr Kay delivered his unclassified testimony to Congress on 2 October, Mr Rycroft sent an advance copy of the text to Mr Blair at the Labour Party Conference in Bournemouth. Mr Rycroft commented:

“There is better than expected detail in this, particularly on missiles, nuclear + BW. Even the CW section is not bad. And the Report makes clear the interim nature, + the difficulties of the WMD search”.²⁷⁸

503. Mr Rycroft asked for urgent comments from the FCO, the MOD and the Cabinet Office on a draft core script for use by the Government in response to Dr Kay’s testimony.²⁷⁹ The draft stated:

“The ISG have discovered dozens of WMD-related programme activities in breach of UNSCRs and significant amounts of equipment in Iraq concealed from the UN.

“Six things in the ISG Report:

- There was a clandestine network of laboratories and safe houses within the Iraqi Intelligence Service that contained equipment subject to UN monitoring and suitable for continuing CBW research. None of these were declared.
- They have found a prison laboratory complex, possibly used in human testing of BW agents, which Iraqi officials were explicitly told not to declare to UN inspectors.
- A vial of a strain from which botulinum can be produced was hidden in the home of an Iraqi scientist, along with ... other vials. The same scientist says he was asked to hide a further large cache of agents and refused. That cache is still missing. NB it takes just 1-10 nanograms of botulinum to kill an adult.
- ... [T]here was R and D work that paired overt work with surrogates for prohibited agents, such as anthrax and ricin. NB it takes just 1-7 micrograms of ricin to kill an adult. These are consistent with a BW programme ready for surge production.
- Iraqi scientists and senior government officials have told the ISG that Saddam remained firmly committed to acquiring nuclear weapons, and that he would have resumed nuclear weapons development as soon as the West relaxed ... Nuclear work had restarted under Dr Said.
- It is clear that Saddam ordered the development of ballistic missiles with a range up to 1,000km ... SCUD fuel production continued until at least 2001.

²⁷⁸ Manuscript comment Rycroft to Prime Minister, 2 October 2003 on Minute [unattributed], [undated], ‘To all recipients of the unclassified version of David Kay’s testimony’.

²⁷⁹ Manuscript comment Rycroft, 2 October 2003 on Paper [unattributed], [undated], ‘ISG Report’.

Iraq tried to procure missiles from North Korea with a range of 1,300km. And Iraq was continuing to develop Unmanned Aerial Vehicles with ranges over 500km.

“Even in the area of CW, where the ISG have not yet found the unaccounted for ... and other material, there is emerging evidence of Iraqi attempts to restart production, and many leads for the ISG to follow up.

“All of these are breaches of UNSCRs. Any one of them, had it been known at the time, would surely have triggered a report back to the UN Security Council and an explicit authorisation from the UNSC for the use of military force following UNSCR 1441.

“Yet this is just the tip of the iceberg:

- This is just an interim report ...
- The ISG’s working environment has been very difficult ... Some WMD personnel left Iraq during the conflict.
- Above all, there is now clear evidence of a pattern of deliberate deception and concealment, probably centrally organised ... Scientists were threatened with death to stop them talking to UN inspectors. Some are still under threat now.

“So the Kay Report is not a final reckoning of Iraq’s WMD. He concludes that we cannot say definitively either that weapon stocks do not exist or that they did exist before the war. We are not at the point where we can close the file on any of these programmes, he says. But what is clear already, after only three months, is that – at the very least – Saddam kept in place the programmes and the deception/ concealment techniques so that he could revive his chemical, biological and nuclear weapons capability when the coast was clear. The ISG’s work must go on before we can have definite answers.”

504. The Inquiry has not seen any comments from other departments.

505. Dr Kay delivered his testimony to Congress on 2 October. He described the Interim Report as a “snapshot” of the ISG’s first three months’ work.

506. Dr Kay stated that the ISG had discovered “dozens of WMD-related program activities and significant amounts of equipment that Iraq concealed from the United Nations during the inspection that began in late 2002”.

507. Dr Kay avoided drawing conclusions, but stated that Saddam Hussein “had not given up his aspirations and intentions to continue to acquire weapons of mass destruction”.

508. In his unclassified testimony to Congress on 2 October, Dr Kay emphasised that the Interim Report was a “snapshot” after the ISG’s first three months’ work.²⁸⁰ It was “far too early” to reach definitive conclusions and in some areas that goal might never be reached.

509. Dr Kay stated that the ISG had “not yet found stocks of weapons”, but nor was it “yet at the point where we can say definitively either that such weapon stocks do not exist or that they existed before the war”. Search efforts were being hindered by six main factors:

- deception and denial were built into each Iraqi WMD programme;
- there had been deliberate dispersal and destruction of material and documentation;
- looting, some of it systematic and deliberate;
- some WMD personnel had left Iraq immediately before and during the conflict;
- any weapons or material were likely to be small and difficult to find; and
- the environment in Iraq was “far from permissive”.

510. Dr Kay stated that the ISG had discovered “dozens of WMD-related program activities and significant amounts of equipment that Iraq concealed from the United Nations during the inspection that began in late 2002”, and listed examples.

511. Dr Kay explained that, although he had resisted drawing conclusions in the Interim Report, a number of things had become clearer as a result of the ISG’s work:

- Saddam Hussein “had not given up his aspirations and intentions to continue to acquire weapons of mass destruction”.
- There were “well advanced, but undeclared, ongoing activities” in the area of delivery systems that “would have resulted in the production of missiles with ranges up to 1,000km” if Operation Iraqi Freedom had not intervened.
- The ISG was confident that there had been ongoing clandestine CBW research and development activities embedded in the Iraqi Intelligence Service.

512. Discussion of the Interim Report at the JIC Sub-Committee on Iraq/WMD on 3 October focused on media coverage.²⁸¹ The response from UK defence correspondents had been encouraging and there were no plans for Mr Blair to comment publicly. The meeting judged that press interest in the UK was likely to die down.

513. The meeting concluded that there was “no benefit in producing a JIC Assessment” of the Interim Report, but a “community wide analysis” should be made through a CIG meeting.

²⁸⁰ Central Intelligence Agency, 2 October 2003, *Statement by David Kay on the Interim Progress Report on the Activities of the Iraq Survey Group (ISG)*.

²⁸¹ Minutes, 3 October 2003, JIC Sub-Committee on IRAQ/WMD meeting.

514. Mr Scarlett discussed handling of the ISG Interim Report with Mr Tenet, Mr Stephen Hadley (Deputy National Security Advisor) and others in Washington on 2 and 3 October.²⁸²

515. Mr Scarlett reiterated to all those he met:

“... the extreme political sensitivity of the issues in London and the need to bear UK political interests in mind, even when partisan and interagency tensions in Washington were high.”

516. Mr Wood reported that Dr Kay had stated publicly that he would need six to nine months’ work before he could begin to draw firm conclusions.

517. Mr Wood also commented on the tensions between senior members of the US Administration about the responsibility for inserting a reference to yellowcake into President Bush’s 2003 State of the Union speech, which provoked “public warfare” and:

“... looming over the horizon, the potentially much more serious matter of the Congressional Oversight Committees concluding after detailed review that the entire October 2002 NIE was flawed. The potential for renewed, and more serious, internecine warfare is very clear.”

518. In his memoir, Mr Tenet wrote:

“Collectively, Kay’s interim testimony was a damning portrait of deception and dissembling ... Yet in the resulting headlines, the press stressed only what Kay had *not* found. None of it, however was the ‘smoking gun’ that would justify our NIE estimates ...”²⁸³

519. On 5 October, Sir Nigel Sheinwald sent Dr Rice a Note written by Mr Blair for President Bush about their common political interest in addressing the problems related to Iraq.²⁸⁴ The Note and the wider background of the deteriorating position in Iraq are addressed in Section 9.2.

520. In relation to WMD, Mr Blair wrote that the failure to find “enough on WMD” and the losses to terrorist attacks meant the public was led to doubt whether the invasion had been:

“... worth it, or even worse is persuaded we misled them. And in the international community there is a sense of Schadenfreude ...

“We need a coherent strategy to get us back on the high ground and get the public, at home and abroad, to focus on the big picture.”

²⁸² Letter Wood to Scarlett, 3 October 2003, ‘Iraq WMD: Public handling in the months ahead’.

²⁸³ Tenet G & Harlow B. *At the Center of the Storm: My Years at the CIA*. HarperPress, 2007.

²⁸⁴ Letter Sheinwald to Rice, 5 October 2003, [untitled], attaching Note [Blair to Bush].

521. Mr Blair characterised the position as “a battle for legitimacy” which had to be won. The issue of WMD was about more than Iraq, it was a global threat. Iraq had been the “starting place”:

“... because of the history. But the reason for action was never Iraq in isolation. It was Iraq as a test case of how determined we were to confront the threat.

“My worry now is that the world thinks: well, Iraq was a tough deal, so they won’t try that again.

“I think we must be absolutely unapologetic. This is the security threat. We must deal with it. This means:

- (a) The Libya deal is really important ...
- (b) Iran and North Korea should not be put on the back burner ... We need to be, if anything, stronger on this. Not that we’re about to go to war. But that it’s only as a result of Iraq that these nations know we’re serious and we can resolve it peacefully.
- (c) A public disruption of the trade in WMD ...”

522. Mr Blair suggested that the UK and US needed a “strategic plan to re-highlight the terrorism/WMD issue”, and to:

“Get our confidence in our story back. Iraq is better without Saddam. WMD/terror remains the 21st century threat. Our global agenda is the only way to a better future not just for us but for the world. We’re not going soft on it. We’re going to be utterly determined on it, because it’s right.

“... [M]y political position is very clear. I won’t win re-election on Iraq alone. But if Iraq is wrong or people don’t get the security threat, it will be a major problem. On the other hand, if Iraq comes right and people do get the threat, my opponents will have a lot of explaining to do.”

523. In a letter on 6 October, Mr Blair wrote that he was:

“... very grateful for SIS’s remarkable contribution both to the Iraq campaign and on the complex political and diplomatic manoeuvrings which preceded it”.²⁸⁵

524. In his video conference with President Bush on 7 October, Mr Blair commented that Dr Kay’s Interim Report had been better than the UK media had anticipated.²⁸⁶

²⁸⁵ Letter Prime Minister to C, 6 October 2003, [untitled].

²⁸⁶ Letter Cannon to Adams, 7 October 2003, ‘Iraq: Prime Minister’s video-conference with President Bush, 7 October’.

Follow-up to the ISG Interim Report

525. In October, UK officials identified Iraq's CW and BW programmes as the issues needing most work. The ISG had opened up several lines of investigation on BW. There had been little progress on CW.

526. On 9 October, Mr Howard sent Mr Scarlett a paper on the future direction of the ISG, agreed with members of his WMD Task Force, suggesting that the ISG focus its effort on areas where knowledge was "most incomplete".²⁸⁷

527. Although work remained to be done on every subject, BW and CW were the most challenging. The most comprehensive areas of the Interim Report were: nuclear and long-range missile programmes; denial, deception and destruction; and procurement networks.

528. The ISG's findings on BW had opened up several lines of investigation which "should continue to be pursued with vigour". Efforts to find evidence of CW research and production had yielded little. Mr Howard suggested that it might be better "to focus on the other end of the food chain and concentrate on amassing evidence of possible deployment, or plans for deployment of CW".

529. Further work would be needed in two important supporting areas:

- encouraging sources to come forward; and
- ensuring that relevant information on Iraqi WMD generated outside Iraq was fed into the ISG.

530. Mr Howard reported that Dr Kay was hinting that "the final reckoning may not happen for another six to nine months", which was "probably realistic". He recommended striking a balance between producing further interim reports with something substantive to say and allowing the ISG to continue its work out of the public gaze. A number of "external drivers", including the *Panorama* programme on WMD, the outcome of the Hutton Inquiry and the need to make the case to Congress for additional funding for the ISG could have an impact.

531. Mr Howard also wrote that the probability that force protection and counter-terrorism would soon be given equal status with the search for WMD in the ISG's work was a "potential complicating factor". His major concern was that the ISG should be given sufficient security and logistical support to carry out the investigative work needed.

532. The JIC Sub-Committee on Iraq/WMD discussed Mr Howard's paper on 10 October.²⁸⁸ It was agreed that he should produce a version for the US and that the importance of offering immunity or amnesty to witnesses should be emphasised at the

²⁸⁷ Letter Howard to Scarlett, 9 October 2003, 'Iraq Survey Group: The Way Forward' attaching Paper DCDI, [undated], 'Iraq Survey Group: Next Steps: A note by DCDI'.

²⁸⁸ Minutes, 10 October 2003, JIC Sub-Committee on Iraq/WMD meeting.

highest level. Advice on specific examples should be sought from the ISG before the issue was put on the agenda for discussion between Mr Blair and President Bush.

House of Commons debate on Iraq, 22 October 2003

533. On 22 October, the House of Commons rejected a third Opposition motion calling for an independent judge-led inquiry into pre-conflict intelligence.

534. On 22 October, the House of Commons debated an Opposition motion to set up “a comprehensive independent judicial inquiry into the Government’s handling of the run-up to the war, of the war itself, and of its aftermath, and into the legal advice which it received”.²⁸⁹

535. The Opposition motion was defeated by 303 votes to 190.²⁹⁰ The Government amendment, adopted by 293 votes to 141, stated:

“That this house notes that the Intelligence and Security Committee ... the appropriate body to consider the intelligence relating to Iraq, and the Foreign Affairs Committee have both carried out inquiries into matters relating to the decision to go to war in Iraq; further notes that substantial oral and written evidence, by and on behalf of the Government, was provided to both inquiries; believes that there is no case for a further inquiry, including a judicial inquiry ...”²⁹¹

536. During the debate Mr Straw was asked by Mr Tony Wright (Labour) whether he still believed that the Iraqi regime had represented “a clear and present danger” to the UK. Mr Straw replied:

“Yes, I do ... It [the ISG] has done a great deal of work and found a good deal of evidence. I regret that, because of the environment in which it has been working, it has not so far been able to find more. However, nothing that it has found so far has diminished my view of the threat.”²⁹²

Impact of the transfer of ISG resources from WMD to counter-terrorism

537. The Op ROCKINGHAM daily report on 21 October stated that the ISG had aborted an exploitation mission after a convoy had been attacked twice with Improvised Explosive Devices (IEDs).²⁹³ There had been one very minor injury and three vehicles had been damaged.

²⁸⁹ House of Commons, *Official Report*, 22 October 2003, column 663.

²⁹⁰ House of Commons, *Official Report*, 22 October 2003, column 747.

²⁹¹ House of Commons, *Official Report*, 22 October 2003, columns 750-754.

²⁹² House of Commons, *Official Report*, 22 October 2003, columns 663 and 677.

²⁹³ Op ROCKINGHAM Daily, 21 October 2003.

538. Maj Gen Dayton announced during an ISG video conference on 21 October that counter-terrorism had been given equal status with WMD in the ISG's work, but that no extra US resources were being made available.²⁹⁴

539. On 22 October, Mr Howard informed the Chiefs of Staff of the ISG's decision.²⁹⁵

540. Mr Oakden reported that the UK contribution to the ISG would gradually change to include a counter-terrorism element.²⁹⁶

541. On 30 October, Op ROCKINGHAM reported another IED attack on an ISG convoy:

“Although the number of ISG missions attacked is still small, and no serious injuries have yet been sustained, the incidents do appear to be occurring more frequently.”²⁹⁷

542. Mr Howard told the JIC Sub-Committee on Iraq/WMD on 4 November that a number of US document exploitation experts, case officers and analysts were being diverted to counter-terrorism work.²⁹⁸ Maj Gen Dayton was reported to be satisfied that this could happen without damaging the WMD effort; Dr Kay was less sure. DIS would be deploying some analysts shortly “who could be applied to either target”.

543. Mr Scarlett and Mr Dowse expressed concern about an apparent loss of ISG momentum since the Interim Report. Op ROCKINGHAM reports were “very thin these days”.

544. Members of the Sub-Committee agreed that media interest had moved on from WMD, pending publication of the Hutton Report. The *BBC Panorama* report on the ISG would air on 29 November. SIS reported that the programme would focus heavily on missiles, but also show the difficult conditions under which the ISG was working.

545. On 11 November, Mr Howard reported to Mr Scarlett that the ISG's “operational tempo remains at a very high level, though some site missions have been postponed due to the increased security threat. The ISG functional teams are all continuing to conduct debriefing and site exploitation operation.”²⁹⁹ There had also been a considerable increase in the ability to exploit documents and different media formats.

546. Mr Howard added that the apparent reduction in reporting was the result of the move away from large-scale acquisition of data characteristic of the initial months of operation. Staff turnover and fatigue had also contributed. Measures were in hand to address that. The DIS had now “lowered reporting thresholds” for Op ROCKINGHAM daily and weekly reports so that they reflected better the tempo of activity.

²⁹⁴ Op ROCKINGHAM Weekly No.19, 17-23 October 2003.

²⁹⁵ Minutes, 22 October 2003, Chiefs of Staff meeting.

²⁹⁶ Minute Oakden to Chatterton Dickson, 22 October 2003, ‘Chiefs of Staff: 22 October: Iraq’.

²⁹⁷ Op ROCKINGHAM Daily, 30 October 2003.

²⁹⁸ Minute Dowse to Ehrman, 4 November 2003, ‘Iraqi WMD: JIC Sub-Group, 4 November’.

²⁹⁹ Letter Howard to Scarlett, 11 November 2003, ‘Iraq: WMD: ISG Progress’.

547. On 10 November, Sir Nigel Sheinwald informed Mr Blair that Dr Kay expected to report to Congress again in February or March 2004. Dr Kay hoped to have more evidence of WMD programmes, but expected the basic story to be unchanged.

548. During a meeting with Sir Nigel Sheinwald in Baghdad on 8 November, Dr Kay said that the ISG had uncovered more material since the Interim Report:

- evidence of development of a ceramic warhead for CW use in 2001;
- details of the movement of suspect items to Syria immediately before the war;
- work on the stability of CW precursor agents between July 2002 and January 2003;
- laboratory testing of advanced chemical agents; and
- an anthrax stimulant production line “up to the outbreak of war”.³⁰⁰

549. Dr Kay was reported to have criticised Coalition handling of detainees. Many had been debriefed for tactical information only and there was a severe shortage of trained interrogators.

550. Dr Kay envisaged that, by June 2004, the ISG would have about 80 percent of the picture on Iraqi WMD. At that point, it might be appropriate to reconsider its role. He did not want it to have an open-ended, diminishing role, or to see it refocused on other tasks. By June 2004, he would also expect Iraq to perceive the ISG as very intrusive.

551. As part of his wider report on his visit to Iraq (see Section 9.2), Sir Nigel Sheinwald told Mr Blair that Dr Kay expected to report to Congress again in February or March 2004.³⁰¹ Dr Kay hoped to have further specific evidence of WMD programmes, but the basic story would be unchanged. Sir Nigel had told Dr Kay that, if there was a further interim report, better handling would be needed: “a proper strategy with the key points identified in advance so that we were not put on the back foot by leaks”.

552. Sir Nigel asked Mr Blair whether there was anything else he wanted said to Dr Kay or the CIA. Mr Blair replied:

“Just keep me informed as to what he’s finding; & surely we must now know what happened to WMD. What do our pre-war contacts say?”³⁰²

553. Mr Scarlett informed Sir Nigel on 17 November that he had asked the DIS to review the new material described by Dr Kay in his meeting with Sir Nigel Sheinwald.³⁰³ The DIS had concluded, “not for the first time, Kay may have talked up some of the

³⁰⁰ Letter Cannon to Scarlett, 10 November 2003, ‘Iraq: Iraq Survey Group: Sir Nigel Sheinwald’s Meeting with David Kay’.

³⁰¹ Minute Sheinwald to Prime Minister, 10 November 2003, ‘Visit to Iraq’.

³⁰² Manuscript comment Blair on Minute Sheinwald to Prime Minister, 10 November 2003, ‘Visit to Iraq’.

³⁰³ Minute Scarlett to Sheinwald, 17 November 2003, ‘Lunch with David Kay’.

current ISG lines of enquiry". The DIS had not been able immediately to substantiate the areas highlighted by Dr Kay. They should be treated with caution.

554. At its meeting on 28 November, the JIC Sub-Committee on Iraq/WMD concluded that the *BBC Panorama* programme, broadcast on 23 November, "had presented a fairly balanced view of the current state of ISG investigations. It suggested that some progress had been made, but concluded that the jury was still out on the question of Iraqi WMD."³⁰⁴

Government responses to the FAC

555. In November 2003, the FCO sent its initial response to the FAC report *The Decision to go to War in Iraq*, which had been published on 7 July and is described earlier in this Section.³⁰⁵

556. The FCO stated that several judgements in the September 2002 dossier had been borne out by subsequent UNMOVIC inspections and the work of the ISG. They included:

- Iraq's programme to extend the range of the Al Samoud missile;
- Iraq's programme to produce even longer-range missiles;
- concealment of documents at the homes of personnel associated with WMD programmes;
- undeclared UAV capabilities;
- a dual-use capability, "to a greater or lesser extent", at most of the sites listed in the dossier and visited by UNMOVIC;
- evidence presented in the ISG Interim Report of viable seed stocks of clostridium botulinum organisms and covert laboratories working on assassination techniques using WMD-related materials; and
- ISG reporting of systematic Iraqi concealment of nuclear weapons-related materials, personnel and capabilities.

557. Separately, in September 2003, the FCO had sent an initial response to the FAC's 15 July 2003 report *Foreign Policy Aspects of the War Against Terrorism*, in which it listed key lessons from weapons inspections in Iraq and the UK's own BW practice challenge inspection programme.³⁰⁶ Those included "the critical importance of interviews for effective inspections" and "the need to keep in mind ... sites that could be misused to produce, modify, test and store BW delivery systems".

³⁰⁴ Minutes, 28 November 2003, JIC Sub-Committee on Iraq/WMD meeting.

³⁰⁵ Ninth Report from the Foreign Affairs Committee, Session 2002-2003, *The Decision to go to War in Iraq, Response of the Secretary of State for Foreign and Commonwealth Affairs*, Cm6062.

³⁰⁶ Tenth Report from the Foreign Affairs Committee, Session 2002-2003, *Foreign Policy Aspects of the War Against Terrorism, Response of the Secretary of State for Foreign and Commonwealth Affairs*, Cm5968.

558. On 19 November, Mr Donald Anderson, Chairman of the FAC, asked Mr Straw for answers to a number of questions arising from the Government's response to the 15 July report, including on lessons learned from the ISG.³⁰⁷

559. On WMD, Mr Anderson wrote:

“... the Committee asked that the Government set out in detail the lessons that can be learnt from the experience of UN weapons inspections in Iraq for the future monitoring of BW programmes. The Committee now requests a memorandum setting out the lessons learnt from the Iraq Survey Group. It also wishes to learn how the past year's weapons inspections process will contribute to developing policy towards monitoring and addressing the threat of WMD from Iran, Syria and other states of concern.”

560. FCO officials recommended that Mr Straw inform Mr Anderson that, in relation to the ISG, it would not be appropriate to divert resources from an ongoing operation or to try to present lessons learned from an incomplete process.³⁰⁸

561. In his response to Mr Anderson on 2 December, Mr Straw stated:

“The Iraq Survey Group is part of an ongoing operation. I do not believe it would be appropriate at this stage to divert resources away from the ISG's operational role or to attempt to present lessons learned from an incomplete process.

“Her Majesty's Government ... has not been given access to UNMOVIC's records ... It is not, therefore, possible to carry out any full analysis of what lessons have been learned. The UK has ... encouraged UNMOVIC to carry out such an exercise. If UNMOVIC does conduct an analysis, it is by no means certain that we would have access to the results.

“What has become clear from the experience of weapons inspections in Iraq since 1991 is the need for intrusive inspection regimes to generate confidence that no illegal activities are taking place.”³⁰⁹

The transition from Dr Kay to Mr Duelfer

562. In December 2003, Dr Kay was reported to be considering leaving the ISG. His departure was confirmed in January 2004.

³⁰⁷ Letter Anderson to Straw, 19 November 2003, 'Foreign Policy Aspects of the War Against Terrorism'.

³⁰⁸ Minute Peters to PS [FCO], 27 November 2003, 'Further letter from the FAC: lessons learned from WMD inspections' attaching Letter [draft], [untitled].

³⁰⁹ Second Report from the Foreign Affairs Committee, Session 2003-2004, *Foreign Policy Aspects of the War Against Terrorism*, HC 81, Ev 23.

563. At the beginning of December, UK officials learned from their US counterparts that Dr Kay was considering not returning to Iraq after his visit to the US in the second week of December.³¹⁰

564. Mr Scarlett told Sir Nigel Sheinwald that the reasons were not clear, but Dr Kay was reported to have objected strongly to the transfer of some of the ISG's resources from WMD to work on the security situation and to be concerned about the difficulty and danger of ISG activity in Iraq.

565. On 5 December, Mr Scarlett reported that Sir Richard Dearlove had been told that Dr Kay's departure was not certain and that, if he did go, there would be "a heavyweight replacement".³¹¹ Sir Richard had also received confirmation that there would be no reduction in resources devoted to the ISG's WMD work and the job would be done thoroughly.

566. Sir Nigel Sheinwald commented to Mr Blair on 8 December:

"... it now seems that Kay has to be persuaded to stay on. It seems unlikely that he'll stay, as planned, until next summer."³¹²

567. Mr Howard discussed the ISG with Mr John McLaughlin, Deputy Director for Central Intelligence, in Washington on 11 December.³¹³ Mr Howard said that he was "scouring the barrel" to meet a request from Mr McLaughlin to find more people for the ISG. The UK would be able to supply an additional four former UN inspectors with BW expertise and was looking to see if it could provide more good analysts. The principal UK BW experts could not be spared full-time, but could continue to deploy to the ISG in short bursts. Mr Howard suggested that better use could be made of the UK mobile laboratory.

568. Mr Howard also reiterated that the UK would need "full consultation on timing, content and presentation of any interim report".

569. On 15 December, Mr Cannon sent Mr Blair a list of "key points" from the ISG Interim Report for use at PMQs.³¹⁴ It largely repeated the draft core script sent out by Mr Rycroft on 2 October. The key additions, taken from the Interim Report, were:

- *"Two key former BW scientists confirmed that Iraq under the guise of legitimate activity developed refinements of processes and products relevant to BW agents. The scientists discussed the development of improved, simplified fermentation and spray drying capabilities for the stimulant Bt [Bacillus*

³¹⁰ Minute Scarlett to Sheinwald, 3 December 2003, 'David Kay'.

³¹¹ Minute Scarlett to Sheinwald, 5 December 2003, 'David Kay'.

³¹² Manuscript comment Sheinwald to Prime Minister, 8 December 2003 on Minute Scarlett to Sheinwald, 5 December 2003, 'David Kay'.

³¹³ Telegram JICTEL 122 Washington to JIC London, 12 December 2003, 'ISG and UK/US intelligence co-operation in Iraq'.

³¹⁴ Minute Cannon to Prime Minister, 15 December 2003, 'Iraq: Key Points from the ISG Report'.

Thurengiensis] that would have been directly applicable to anthrax, and one scientist confirmed that the production line for Bt could be switched to produce anthrax in one week if the seed stock were available.”

- Sufficient evidence had been discovered “to conclude that the **Iraqi regime was committed to delivery system improvements that would have, if Operation Iraqi Freedom had not occurred, dramatically breached UN restrictions** ... in 2000 Saddam ordered the development of ballistic missiles with ranges of at least 400km and up to 1,000km and that measures to conceal these projects from UNMOVIC were initiated in late 2002 ... several sources contend that Saddam’s range requirements for the missiles grew from 400-500km in 2000 to 600-1,000km in 2002.”
- The ISG had found documents describing “a **high level dialogue between Iraq and North Korea** that began in December 1999 and included an October 2000 meeting in Baghdad. These documents indicate Iraqi interest in the transfer of technology for surface-to-surface missiles with a range of 1,300km ... and land-to-sea missiles with a range of 300km. The documents quote the North Koreans as understanding the limitations imposed by the UN, but being prepared ‘to co-operate with Iraq on the items it specified’.”
- “Even in the area of **CW** ... there is evidence of Iraqi interest in restarting production.”
- “Dr Kay told the press that **one scientist was ‘assassinated literally hours after meeting’** an ISG member, killed by a single shot to the back of his head outside his apartment.”

570. The paper appears not to have been shown to Mr Blair.³¹⁵

571. In an interview with the *British Forces Broadcasting Service (BFBS)*, reported in the media on 16 December, Mr Blair stated:

“... the Iraq Survey Group has already found massive evidence of a huge system of clandestine laboratories, workings by scientists, plans to develop long range ballistic missiles. Now frankly, these things weren’t being developed unless they were developed for a purpose ...”³¹⁶

572. On 18 December, *The Washington Post* reported that US Government officials had confirmed that Dr Kay intended to leave the ISG before it completed its work.³¹⁷ The newspaper also reported: “The insurgency has forced the Pentagon to divert personnel from Kay’s team to help commanders identify and question insurgents.”

³¹⁵ Manuscript comment Rycroft on Minute Cannon to Prime Minister, 15 December 2003, ‘Iraq: Key Points from the ISG Report’.

³¹⁶ *BBC News*, 16 December 2003, *Blair’s appeal to Saddam’s men*.

³¹⁷ *The Washington Post*, 18 December 2003, *Kay Plans To Leave Search for Iraqi Arms*.

573. Brigadier Garry Robison, Brig Devereil's successor as ISG Deputy Commander, reported on 7 January 2004 that the preparation of cases against High Value Detainees (HVDs) for the forthcoming human rights tribunal had not yet had a direct impact on the ISG, but had the potential to do so.³¹⁸ Rules preventing UK ISG personnel from direct involvement in the preparation of evidence and testimony for the tribunal were well understood.

574. Mr Scarlett informed No.10 on 7 January that the US had confirmed that Dr Kay would be leaving the ISG "probably by the end of next week".³¹⁹

575. In January 2004, in the absence of compelling finds in Iraq, the Government sought to emphasise the impact of military action in Iraq on wider counter-proliferation efforts.

576. On 11 January, Mr Blair was asked by Sir David Frost on *BBC Television's Breakfast with Frost* whether he should apologise for apparently being wrong about WMD in Iraq. Mr Blair replied: "What they've [the ISG] found already is a whole raft of evidence about clandestine operations that should have been disclosed to the United Nations."³²⁰

577. Pressed by Sir David Frost on the absence of weapons, Mr Blair said: "there is ... something bizarre about the idea that Saddam had these weapons, got rid of them and then never disclosed the fact that he got rid of them."

578. Asked if he thought there was still a chance that WMD would be found, Mr Blair replied:

"I believe that we will but I agree ... there were many people who thought we were going to find this during the course of the actual operation ... In a land mass twice the size of the UK it may well not be surprising that you don't find where this stuff is hidden because part of the intelligence was that it was hidden and concealed. But you know we just have to wait and see."

579. On 13 January, Mr Scarlett told No.10 that Dr Kay's departure had been delayed "to distance it from a spate of critical WMD articles in last week's US media".³²¹

Mr Scarlett reported that draft US press lines focused on three points:

- The departure does not mean Kay has concluded that no weapons will be found.
- The ISG has more work to do on WMD.
- Ideally, Kay would have preferred ISG resources not to be diverted (as to some extent they have been) to counter terrorism ..."

³¹⁸ Minute Robison to PS/CDI, 7 January 2004, 'Iraq Survey Group Sitrep Number 12'.

³¹⁹ Minute Scarlett to Rycroft, 7 January 2004, 'Departure of David Kay'.

³²⁰ *BBC TV*, 11 January 2004, *Breakfast with Frost*.

³²¹ Minute Scarlett to Cannon, 13 January 2004, 'Departure of David Kay'.

580. Mr Blair and President Bush discussed Dr Kay's departure in their video conference on 14 January.³²² Mr Blair said that Dr Kay's departure would have an impact in the UK media. He hoped the CIA would work with the UK on handling.

581. In a Cabinet discussion of the situation in Iraq on 15 January, a number of points were made on WMD, including that:

- Public opinion continued to focus on the absence of WMD discovered in Iraq, while the broader counter-proliferation story was inadequately covered.
- The report by Dr Blix in early 2003 (the "clusters" document of 6 March, see Section 3.7) had provided 173 pages of material about Iraq's WMD programme, including 10,000 litres of anthrax unaccounted for. There was a "strong presumption of its continued existence".
- The counter-proliferation progress in other countries, and "Libya in particular" was "dramatic". The military action in Iraq had had a "hugely beneficial effect on the international climate, but this was insufficiently recognised at home".³²³

582. Mr Blair concluded that the counter-proliferation successes which had been registered since the invasion of Iraq were "considerable and he hoped that there would be further developments in the next few weeks. The Government's supporters need to be briefed accordingly."

583. On 16 January, Mr Scarlett informed No.10 of the dates of a series of US Congressional hearings in February and March relevant to Iraqi WMD.³²⁴ Potentially the most controversial was Mr Tenet's appearance on 4 March at a closed session of the Senate Intelligence Committee on pre-conflict Iraq-related intelligence, and there would almost certainly be an open session. It would be important to stay in contact with US briefing plans.

584. In his State of the Union address on 20 January, President Bush reported that:

"We're seeking all the facts. Already the Kay report [the ISG Interim Report] identified dozens of weapons of mass destruction-related program activities and significant amounts of equipment that Iraq concealed from the United Nations. Had we failed to act, the dictator's weapons of mass destruction programs would continue to this day. Had we failed to act, Security Council resolutions on Iraq would have been revealed as empty threats, weakening the United Nations and encouraging defiance by dictators around the world."³²⁵

³²² Letter Cannon to Adams, 14 January 2004, 'Iraq: Prime Minister's Video-conference with President Bush, 14 January 2004'.

³²³ Cabinet Conclusions, 15 January 2004.

³²⁴ Minute Scarlett to Rycroft, 16 January 2004, 'Iraq WMD: US Congressional Hearings'.

³²⁵ The White House, 20 January 2004, *State of the Union Address*.

585. In January, with no timetable for the publication of the next ISG report, Mr Howard proposed a number of options. He recommended that the best approach might be to draw a line under the issue of WMD by summer 2004.

586. On 21 January, after visiting the ISG in Qatar, Baghdad and Basra, Mr Howard reported “a sense of uncertainty and lack of strategic direction” at the ISG headquarters in Baghdad: Dr Kay’s successor had not been identified; the timing of future ISG reports was not known; and there was continuing debate about the extent of the ISG contribution on counter-terrorism.³²⁶ Security remained an issue, but ISG staff morale seemed high and people were working “incredibly hard”.

587. Mr Howard assessed that, despite the good work being done, the overall picture was not fundamentally different to that described in the Interim Report.

588. On the future of the ISG, Mr Howard suggested that the right option might be to draw a line under the issue of Iraqi WMD by summer 2004. There was no guarantee that the new Iraqi Government would be prepared to allow the ISG to continue after it took office and there was a possibility that the ISG’s final analysis would look like the Interim Report: clear Iraqi intent to preserve and conceal an ability to reconstitute programmes, but no operational or current production capability.

589. Mr Howard identified three options for the next ISG report:

- a single, final report around June;
- the major substantive report in March or April, with loose ends tied up in June or July; or
- a low-key report focused on context and operating environment in March, with a substantive report in June.

590. On 22 January, Mr Scarlett produced a summary of the ISG’s findings and possible points for Mr Blair to make in public.

591. Mr Scarlett sent No.10 a paper summarising the “current understanding” of the ISG’s findings on 22 January.³²⁷ The paper had been prepared within the Assessments Staff, in consultation with Mr Howard, but it had been given a limited distribution. It was not the result of a full JIC Assessment and had not been considered by a CIG.

592. The paper summarised what had been found, what remained to be done and questions raised by the ISG’s work:

³²⁶ Letter Howard to Scarlett, 21 January 2004, ‘Iraq WMD: Visit to Iraq Survey Group: 16-19 January’.

³²⁷ Minute Scarlett to Rycroft, 22 January 2004, ‘Iraq: WMD’ attaching Paper [unattributed], 22 January 2004, ‘Iraq: WMD’.

“What has been established?”**“Nuclear Programmes**

“The ISG have found documents and equipment, related to Iraq’s pre-1991 nuclear programme ... not declared to the UN/IAEA ... Iraqi scientists and senior officials have stated that Saddam intended to reconstitute such a programme once sanctions were lifted. There is no evidence however, that Saddam explicitly ordered that research activity should continue for this specific purpose.

“Chemical and biological weapons

“The ISG have found documents and equipment at 13 undeclared laboratories and facilities ... There is no clear evidence of a link to a military programme.

“... Legitimate work on biopesticides and other BW stimulants meant that expertise and production techniques ... were maintained ...

“The exact purpose of the two trailers discovered by the ISG in May 2003 has yet to be determined ...

“Delivery systems

“... ISG have found substantial evidence of research and design work on longer range delivery systems (up to 1,000km range), and of substantial illegal procurement for all aspects of Iraq’s missile programme ...

“Concealment and destruction

“Iraq had failed to declare its programmes and equipment to the UN, and to comply with its obligations under successive UNSCRs ...

“In addition ... the ISG have found substantial evidence of the targeted destruction of documents, equipment and computer files ...

“What is still to be done?”

“... We do not have a complete picture; the ISG continues with its work despite the difficult operational environment ...

“What has not been established?”

“The ISG have not found chemical or biological weapons, agents or precursors in militarily significant quantities, nor any long range missiles. They cannot confirm the existence of active programmes for the development or production of chemical or biological weapons, or of steps to reconstitute the nuclear programme, after 1998. They have found nothing to substantiate the repeated reports that WMD was moved from Iraq into Syria, either before UNMOVIC arrived or immediately before, during and after the conflict.

What major questions does this raise?

- Why is the account ... different from the intelligence picture before the conflict, which was broadly agreed by virtually all Western Governments ...?
- Why did the Iraqi regime undertake such an extensive programme of concealment and deception at the UN? What were they trying to conceal and what did they destroy?
- Why, when UNMOVIC returned to Iraq in 2002, were so many obstacles placed in its way ...?
- Was Saddam's key aim ... to preserve the capability to reconstitute his programmes rapidly once UN sanctions were lifted ...?
- ... Did the fear of appearing weak drive Saddam's continuing denial and deception of the international community?
- Did Saddam, his colleagues and senior officials believe their own disinformation?"

593. Mr Scarlett suggested a list of points Mr Blair could make in public:

- The ISG had not so far found chemical or biological weapons or "evidence of the continued production of such weapons, or that the nuclear weapons programme was being reconstituted".
- It had found "evidence of efforts to maintain BW and nuclear capabilities".
- There was a "lot of evidence of planning and design work for missiles well beyond the permitted range".
- The ISG had "also found evidence that equipment and documentation were destroyed – including to deceive the UN inspectors in the final period before the conflict – and that Iraq failed to declare activities or otherwise comply with Security Council resolutions".
- The ISG had a lot of work still to do.

594. Those points raised "some big questions including":

- “• What was Saddam trying to conceal and why did he take such risks to do it? ... Why did the regime continue to obstruct and defy the inspectors right up to the last minute?
- Was Saddam Hussein trying to preserve his capabilities and programmes while trying to get sanctions lifted as quickly as possible?
- Were Saddam Hussein and the Iraqi leadership properly informed about the state of their WMD facilities? Were they being told the truth by their subordinates?
- Why does what we have found (or not found) differ from the assessments of Iraq's WMD capabilities accepted by most major Governments and many reputable institutes pre-conflict?"

595. Mr Scarlett wrote that, if asked whether the UK was still confident that weapons would be found, the answer could be: “a lot of work has been going on, there is a lot of work still to do, and a lot of questions still to answer. We do not know how it will turn out in the end.”

596. If asked whether the Government stood by the intelligence assessment in the September 2002 dossier, the answer could be: “we stand by the dossier as our best assessment on the information available at the time. Since September 2002 a great deal has happened. Again, we do not know what the ISG’s eventual assessment will be.”

597. Mr Scarlett described the purpose of the points offered as “a way of looking ahead to the future”, building on Mr Blair’s comments in his interview with Sir David Frost on 11 January. If they were to be used, the UK “must warn the Americans first”.

598. Mr Rycroft described Mr Scarlett’s note to Mr Blair as:

“The first draft of a narrative on WMD to move our position on slightly, by floating possible explanations for the lack of WMD found so far, through questions rather than assertions.”³²⁸

599. In relation to Mr Scarlett’s point that the assessments pre-conflict had been accepted by most major governments, Mr Rycroft drew Mr Blair’s attention to the provisions of resolution 1441 (2002), which had included:

“Recognising the threat Iraq’s non-compliance with Council resolutions and proliferation of WMD + long range missiles poses to international peace + security”.

600. On 23 January, Mr Tenet announced Dr Kay’s resignation and the appointment of Mr Charles Duelfer, who had been Deputy Executive Chairman of UNSCOM from 1993 to 2000, as the new Head of the ISG.³²⁹

601. Mr Tenet wrote in his memoir that he continued to defend the independence of the ISG under Mr Duelfer: “My guidance to Duelfer – just like my guidance to Kay – and to everyone in the ISG was simply to go out and find the truth.”³³⁰

602. Mr Duelfer wrote that Mr Tenet “made good on his commitment” and instructed that the ISG should not be seeking to justify the NIE.³³¹

603. In late January, the Government highlighted to the US the sensitivity in the UK of public comments in the US about the apparent absence of WMD in Iraq.

604. UK officials suggested that the two countries should keep in close step over their responses to calls for public inquiries into pre-conflict intelligence.

³²⁸ Manuscript comment Rycroft to Prime Minister on Minute Scarlett to Rycroft, 22 January 2004, ‘Iraq: WMD’.

³²⁹ CIA News & Information, 23 January 2004, *DCI Announces Duelfer to Succeed Kay as Special Advisor*.

³³⁰ Tenet G & Harlow B. *At the Center of the Storm: My Years at the CIA*. HarperPress, 2007.

³³¹ Duelfer C. *Hide and Seek: The Search for Truth in Iraq*. Public Affairs, 2009.

605. Dr Kay gave a number of briefings to US media before his testimony to the Senate Armed Services Committee on 28 January.

606. In an interview for *Reuters* shortly after his resignation, widely reported in the UK media, Dr Kay stated:

“I don’t think they [WMD] existed. What everyone was talking about is stockpiles produced after the end of the last Gulf War and I don’t think there was a large-scale production program in the nineties.”³³²

607. The UK media also gave extensive coverage to comments by Secretary Powell on 24 January, including that it was an “open question” whether Iraq held any stocks of WMD.³³³

608. Speaking on *BBC Television’s Breakfast with Frost*, Mr Kennedy said:

“The more that we see the absence of weapons of mass destruction, the more we see both the Prime Minister and the President of the United States qualify what it is that the Iraq Survey Group may or may not uncover.”³³⁴

609. Mr Rycroft spoke to the White House to underline the difficulties Secretary Powell’s comments were causing in the UK.³³⁵ Dr Rice urged that, as soon as possible, all public comments should refer back to resolution 1441: Saddam Hussein had WMD, had used them in the past and had obligations to destroy them. Resolution 1441 had given him a final opportunity to comply with his international obligations, which he had failed to take.

610. In an interview for *The New York Times* published on 25 January, Dr Kay said that Iraq had been “a dangerous place” with the ability to produce WMD, terrorist groups “passing through” and no central control.³³⁶ But the CIA had missed signs of the “chaos” in the Iraqi regime that had corrupted Iraq’s weapons capabilities. Iraqi scientists and documents had revealed that Iraq had also been far more concerned about UN inspections than Washington had ever realised.

611. Mr Rycroft discussed Iraqi WMD with Mr Hadley on 26 January.³³⁷ Mr Rycroft set out the timetable for the Hutton Inquiry and “underlined the sensitivities of any US public comments particularly during this period”. The US and UK should keep in “very close step” over their responses to growing calls in both countries for full public inquiries into

³³² *BBC News*, 24 January 2004, *US chief Iraq arms expert quit*; *The Guardian*, 24 January 2004, *New WMD blow for Blair*.

³³³ *BBC News*, 25 January 2004, *Powell casts doubt on Iraq WMDs*.

³³⁴ *BBC News*, 25 January 2004, *Blair stands firm over WMD*.

³³⁵ Letter Rycroft to Adams, 25 January 2004, ‘Iraq: WMD: Conversation with Rice, Hadley, Bartlett, Fried, 24 January’.

³³⁶ *The New York Times*, 25 January 2004, *The Struggle for Iraq: Intelligence; Ex-Inspector Says CIA Missed Disarray in Iraqi Arms Program*.

³³⁷ Letter Rycroft to Adams, 26 January 2004, ‘Iraqi WMD: Conversation with Hadley’.

the intelligence leading up to the war. The UK would continue to argue that, after the FAC, ISC and Hutton inquiries, another was unnecessary.

612. Mr Scarlett discussed Dr Kay's statements with a senior US official later on 26 January.³³⁸ He reported to No.10 that Dr Kay's comments might make Mr Tenet's appearance before the Senate Intelligence Committee in early March more difficult. Mr Tenet was therefore considering a statement of his own on the intelligence underlying the NIE.

613. Mr Scarlett also reported that he had been told Mr Duelfer might pass through London on his way to Baghdad in about a week, and that it looked likely that there would be an interim ISG report in late March or early April.

614. Under the headline "Bush Backs Away From His Claims About Iraq Arms", *The New York Times* reported on 27 January that, now Dr Kay was suggesting Iraq's WMD had been disposed of before the invasion, President Bush had declined to repeat his earlier claims that WMD would be found.³³⁹

615. Reporting on the public debate in the US on 27 January, Sir David Manning wrote:

"Kay is briefing the media extensively. His main theme is that, although the Administration have acted with integrity and were correct to invade Iraq, there has been a major intelligence failure on Iraq WMD."³⁴⁰

616. Sir David observed that President Bush's public line had become "a little more nuanced", leading the press to claim the White House was "in retreat". Sir David reported that on 27 January:

"Bush was sounding a bit less bullish and a bit more nuanced ('I think it's very important for us [the US Administration] to let the Iraq Survey Group do its work so we can find out the facts and compare the facts to what was thought ... [T]here is no doubt in my mind that Saddam Hussein was a grave and gathering threat to America and the world')."

617. Sir David concluded:

"From the point of view of a White House political strategist, Kay's line looks probably not too unhelpful: it is lowering public expectations of future WMD finds, increasing the pressure for this issue to be brought to closure before the election season gets going in earnest after Easter, and placing the blame for any false prospectus for war firmly with the intelligence agencies rather than with the Administration."

³³⁸ Letter Scarlett to Rycroft, 26 January 2004, 'Iraqi WMD: Conversation with [CIA]'.

³³⁹ *The New York Times*, 28 January 2004, *Bush Backs Away From His Claims About Iraq Arms*.

³⁴⁰ Telegram 125 Washington to FCO London, 27 January 2004, 'Iraq WMD: US Public Debate, 27 January'.

Dr Kay's evidence to the Senate Armed Services Committee, 28 January 2004

618. On 28 January, Dr Kay gave evidence to the Senate Armed Services Committee.³⁴¹ In his opening remarks, he stated:

"A great deal has been accomplished by the [ISG] team ... I think it important that it goes on and it is allowed to reach its full conclusion. In fact, I really believe it ought to be better resourced and totally focused on WMD ...

"But I also believe that it is time to begin the fundamental analysis of how we got here ...

"It turns out that we were all wrong, probably in my judgement, and that is most disturbing ...

"In my judgement ... Iraq was in clear violation of the terms of resolution 1441...

"We have discovered hundreds of cases, based on both documents, physical evidence and the testimony of Iraqis, of activities that were prohibited under the initial UN resolution 687 [1991] and that should have been reported under 1441, with Iraqi testimony that not only did they not tell the UN about this, they were instructed not to do it and they hid material.

"I had innumerable analysts who came to me in apology that the world we were finding was not the world they had thought existed ...

"I wish it had been undue influence, because we know how to correct that ... The fact that it wasn't tells me we've got a much more fundamental problem of understanding what went wrong ...

"I regret to say that I think at the end of the work of the ISG there's still going to be an unresolvable ambiguity about what happened.

"A lot of that traces to the failure on April 9 [2003] to establish immediately physical security in Iraq – the unparalleled looting and destruction, a lot of which was directly intentional, designed by the [Iraqi] security services to cover the tracks of the Iraq WMD program and their other programs as well ..."

619. Asked whether it was too early to pronounce that everyone had been wrong, that weapons might still be hidden, Dr Kay replied:

"It's theoretically possible ... When the ISG wraps up its work ... there are still going to be people to say, 'You didn't look everywhere. Isn't it possible it was hidden someplace?' and the answer has got to be honestly, 'Yes, it's possible' ...

³⁴¹ Centre for Research on Globalisation, 28 January 2004, *Dr David Kay's Testimony to the Senate Armed Services Committee*.

“But I agree, we’re not in disagreement at all. The search must continue.”

620. Mr Blair discussed the ISG with President Bush on 28 January.³⁴² Mr Blair said that the first ISG Report showed that Saddam Hussein had been in breach of multiple Security Council resolutions. When the next report came it would be necessary to ensure that it was properly presented.

621. Mr Duelfer wrote in his memoir that Dr Kay’s testimony, “We were all wrong”, had sounded conclusive even though Dr Kay had been declaring that Iraq was violating UN resolutions throughout the 1990s and in the lead-up to the war:

“Aside from angering the staff he left in Iraq, Kay’s declarations made it much more difficult to collect information from Iraqi sources. Once the world had heard the decrees of the former ISG leader, why should any of the Iraqis provide further information?”³⁴³

The Hutton Report, 28 January 2004

622. On 28 January, Lord Hutton published his report into the circumstances surrounding the death of Dr Kelly.³⁴⁴ The principal conclusions of the Hutton Report relating to the September 2002 intelligence dossier and the 45 minutes claim are addressed in Section 4.2.

623. Commenting on the Hutton Report at the meeting of the JIC on 28 January, Mr Scarlett said:

“The JIC’s reputation had taken a knock in the short term but it was important to keep things in proportion. There continued to be great respect for the JIC and what it represented. The JIC’s higher profile as a result of the Hutton Inquiry carried implications however that would need careful managing.”³⁴⁵

624. Mr Scarlett also thanked the Committee members and the Assessments Staff for their support.

625. After the publication of the Hutton Report, the Government sent its deferred response to the 11 September 2003 ISC report *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*.³⁴⁶

626. In response to the ISC’s criticism that the 9 September 2002 JIC Assessment, ‘Iraqi Use of Chemical and Biological Weapons – Possible Scenarios’ (see Section 4.2), did not highlight in the Key Judgements the uncertainties and gaps in UK knowledge

³⁴² Letter Rycroft to Adams, 28 January 2004, ‘Prime Minister’s Conversation with Bush, 28 January’.

³⁴³ Duelfer C. *Hide and Seek: The Search for Truth in Iraq*. Public Affairs, 2009.

³⁴⁴ *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly C.M.G. by Lord Hutton*, 28 January 2004, HC 247.

³⁴⁵ Minutes, 28 January 2004, JIC meeting.

³⁴⁶ *Government Response to the Intelligence and Security Committee Report on Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, 11 September 2003, February 2004, Cm6118.

about Iraq's biological and chemical weapons, the Government stated that the JIC had followed convention: "The Key Judgements section is not intended to be a summary of the main facts in the paper."

627. The Government stated that the September 2002 dossier did present "a balanced view of the Iraq's CBW capability based on the intelligence available", but acknowledged that presentation of the 45 minutes issue "allowed speculation as to its exact meaning".

628. The Government took "careful note" of the ISC conclusion that the inhibiting effect of UN inspections was not fully reflected in JIC Assessments, but observed that JIC Assessments produced in October and December 2002 and in March 2003 did reflect the point.

629. In response to the ISC recommendation that, if individuals in the intelligence community formally wrote to their line managers with concerns about JIC Assessments those concerns should be brought to the attention of the JIC Chairman, the Government stated that it was "important to preserve the line management authority of JIC members in judging what should be brought to the attention of the JIC Chairman".

630. After the publication of the Hutton Report, the FCO also sent its deferred response to the conclusions about the 45 minutes claim and the September dossier in the 7 July 2003 FAC report on the decision to go to war in Iraq.³⁴⁷ The FCO stated:

"We disagree that the 45 minute claim was given undue prominence. The 45 minutes claim came from an established, reliable and long-standing line of reporting. It was included in an early September Joint Intelligence Committee (JIC) Assessment as soon as the underlying intelligence had become available. It was consistent with previous JIC judgements on Iraq's command and control arrangements. Other issues were given a similar level of prominence in the dossier: for example the judgement that Iraq was building up its weapons of mass destruction (WMD) capability and that it was concealing its programmes.

...

"Had Saddam used chemical and biological weapons (CBW) munitions during the conflict we have no reason to doubt he could have deployed them in this timeframe.

...

"We welcome the Committee's conclusion that the claims in the September dossier were well founded ... We also welcome the conclusion that allegations of politically inspired meddling cannot credibly be established."

³⁴⁷ Ninth Report from the Foreign Affairs Committee, Session 2002-2003, *The Decision to go to War in Iraq, Further Response of the Secretary of State for Foreign and Commonwealth Affairs*, Cm6123.

The decision to establish the Butler Review

631. In late January, officials advised Mr Blair that there was “a clear risk” that President Bush would set up an inquiry into Iraq intelligence before he was forced to do so by Congress.

632. Sir Nigel Sheinwald discussed the mounting pressure for inquiries in the UK and the US with Dr Rice on 29 January.³⁴⁸ He recommended that No.10 and the White House stay “in the closest touch” to ensure public lines were co-ordinated.

633. Sir Nigel told Mr Straw’s office that the US Administration would prefer to make an announcement itself rather than be pushed into one by Congress or the media. It was clear that something was “stirring” in Washington. The announcement of an inquiry there would make it very difficult to hold the line in the UK.

634. Mr Powell sent a copy of Sir Nigel’s letter to Mr Blair with the advice:

“You must decide on this with Bush on Tuesday [3 February] before the [Parliamentary] debate on Wednesday.”³⁴⁹

635. In a minute to Sir Nigel Sheinwald on 30 January, Mr Scarlett set out his understanding of developments in the US, including concern about a “Notification to Congress that one piece of intelligence underpinning” Secretary Powell’s presentation to the UN on 5 February 2003 “came from an unreliable source”, and that CIA analysts had missed a “fabrication warning”.³⁵⁰

636. Mr Scarlett commented:

“This discredited report was sent to SIS but not issued by them so it was not reflected in our classified assessments or in the dossier. There is one reference in the dossier (the Executive Summary) to mobile ‘laboratories’. This was a general term to cover mobile facilities and was not meant to be distinct from ‘production’ units. In terms of any press lines it will be sufficient to say that the discredited report was not issued by SIS.”

637. Mr Scarlett added:

“The ground is audibly shifting in Washington. There is a clear risk that the Administration will set up an Inquiry into the Iraq intelligence. This will take many months to report and push the whole issue beyond November. It might have the side effect of prompting an early winding up of the ISG.”

³⁴⁸ Letter Sheinwald to Adams, 30 January 2004, ‘Conversation with US National Security Adviser’.

³⁴⁹ Manuscript comment Powell to PM on Letter Sheinwald to Adams, 30 January 2004, ‘Conversation with US National Security Adviser’.

³⁵⁰ Minute Scarlett to Sheinwald, 30 January 2004, ‘Iraq WMD: Update from CIA’.

638. On 31 January, Mr Rycroft informed Mr Blair that, during a visit to Washington from 30 to 31 January, he had explained that recent comments from Mr Kay, Dr Rice and Secretary Powell had been damaging in the UK.³⁵¹ He had also argued against an intelligence inquiry, and for maximum transparency and co-ordination if the US decided to go down that route. There was a strong chance that the US would do so, possibly very fast.

639. Mr Rycroft advised Mr Blair: “You need to raise with Bush at Monday’s [2 February] video conference.”

640. On 31 January, Sir David Manning reported growing political pressure on President Bush to admit intelligence failure and announce an inquiry.³⁵² Asked for his views on whether there should be an inquiry, President Bush had told the press:

“... I too, want to know the facts. I want to be able to compare what the Iraq Survey Group has found with what we thought prior to going into Iraq. One thing is for certain – one thing we do know from Mr Kay’s testimony, as well as from the years of intelligence that we had gathered, is that Saddam Hussein was a ... growing danger.”

641. Sir David Manning advised that President Bush’s remarks suggested he was leaving himself room to set up an inquiry.

642. Mr Blair set out his position on Iraq and WMD in a Note sent to President Bush on 1 February.

643. Mr Blair recognised the need to learn lessons about the difficulties of gathering intelligence and that there was a legitimate issue about its accuracy, but at that stage envisaged asking the ISC to address the issue.

644. On 1 February, Sir Nigel Sheinwald sent Dr Rice a Note “by the Prime Minister” on Iraq and WMD, to be shown to President Bush before the video conference with Mr Blair on 2 February.³⁵³

645. The Note addressed two issues:

- “Iraq and WMD”; and
- “WMD as a threat more generally”.

³⁵¹ Minute Rycroft to Prime Minister, 31 January 2004, ‘Visit to Washington’.

³⁵² Telegram 1 Washington to Cabinet Office, 31 January 2004, ‘Intelligence on Iraq WMD: US views, 30 January’.

³⁵³ Letter Sheinwald to Rice, 1 February 2004, ‘Iraq and WMD’ attaching Note [Blair to Bush], ‘Note on WMD’.

646. On the former, Mr Blair wrote:

“We know Saddam had WMD. We know the ISG has not yet found weapons, though it has found evidence of programmes. The truth is that we anticipated finding the weapons during or shortly after the conflict. So to say we are surprised at the ISG’s findings is no less than the truth.

“The issue of US/UK good faith can be laid to rest. We received the intelligence. We honestly believed it.

“The issue now is: was it right; and if it wasn’t, what can we learn about the difficulties of gathering intelligence in these situations?

“What we can say is this:

“(a) there is no doubt that Saddam had WMD. It was not just US/UK intelligence agencies that said so, it was many others around the world. In any event, Saddam used them. The UN when it left in 1998 found stockpiles unaccounted for. That is why UN resolution 1441 unanimously described his weapons as a threat to world peace.

“(b) we should exercise some caution in saying definitely no stockpiles now exist. In the 1990s despite intensive investigation, the full extent of his programmes remained concealed for years. We know from intelligence pre-war that he intended to conceal them. The ISG has found ample evidence of an intention to conceal. Look at what we know now Libya is co-operating, compared with what we could speculate on, on the basis of intelligence.

“I don’t concede there are no weapons. But I do concede we expected to find them sooner and there is plainly a legitimate issue about the accuracy of the intelligence.

“(c) let us get it clear what the ISG has said so far and what Dr Kay has said.

“The ISG has found:

- Evidence of efforts to maintain BW and nuclear capabilities including equipment, documents and organisms. Teams of scientists were retained to work on them.
- Planning and design work for missiles of up to 1,000km in range.
- Equipment and documentation being systematically destroyed ...
- Undeclared laboratories and facilities that have a potential for BW and CW production, that should have been declared to the UN.
- In 2002, Iraq successfully tested an UAV with a range of 500km.

“All of these things are a breach of the UN resolutions.

“Therefore, though the ISG have not found evidence of actual weapons, they have found evidence of programmes. Any of this would have triggered a justification for conflict.

“Dr Kay has said:

- He believes no major new production of weapons occurred post-1991.
- He speculates that Saddam may have been told tales about the programmes or that some stuff moved to Syria.
- But some old stockpiles may well exist and the capabilities and determination remained intact.
- That Iraq was ‘a very dangerous place’.
- That the conflict was justified, and
- That the US/UK did not interfere with the intelligence.

“He makes a claim also that Saddam was trying to manufacture ricin up to the last minute ... but UK services at least don’t seem to know the provenance of this.

“(d) however, in view of the fact that we certainly thought production of new weapons was continuing and it may be that it wasn’t, it is sensible to learn the intelligence lessons.

“Therefore, the US is going to have a Commission of Experts look into it.

“The UK will refer the issue back to the Intelligence and Security Committee ...

“Meanwhile the ISG will continue its work on the ground since there are at least 26 million pages of documents and many unvisited sites still to follow up.”

647. On the wider threat from WMD, Mr Blair wrote:

“Whatever the intelligence from Iraq, let us be in no doubt about the threat.

“The threat of terrorism and proliferation of WMD continues. It would be disastrous if doubts about the strength of intelligence in Iraq blinded us to the danger. We know that Iran and North Korea are trying to develop nuclear weapons and it is only since Iraq that real pressure on them has started to pay off.

“We now know that Libya was far closer than we thought to nuclear capability and on CW than we thought; and, since Iraq they are working with us to eliminate it ...”

648. Mr Blair concluded:

“If we have to accept that some of the Iraq intelligence was wrong, we will do so. But let us not either (a) lurch to the opposite extreme and start pretending Iraq had nothing; or (b) let any intelligence inaccuracy move us off confronting the WMD issue.

“So we need:

To put ourselves in the right place on accepting some intelligence may have been wrong and letting that be looked into.

To get across what Kay and the ISG are actually saying.

To reassert the importance of the WMD question.”

649. On 1 February, US media reported that President Bush would shortly be announcing “a bipartisan, independent commission to investigate apparent flaws in intelligence used to justify the Iraq war”.³⁵⁴

650. Mr Straw spoke to Secretary Powell on 1 February.³⁵⁵ Secretary Powell explained that the US planned to make an announcement about the independent commission, probably on 2 February. Mr Straw briefed Secretary Powell on the discussion in the UK. It would be important, if possible, to make announcements at the same time.

651. Following a discussion with Dr Rice that evening, Sir Nigel Sheinwald wrote to Mr Geoffrey Adams, Mr Straw’s Principal Private Secretary, reporting that Mr Blair, Mr Straw and others had been “reflecting on how to handle the issue of intelligence on Iraqi and other WMD in the light of developing US plans”.³⁵⁶ Mr Blair would be chairing a meeting the next morning to discuss the way forward.

652. The following day, President Bush confirmed that he would make an announcement once the details had been agreed.³⁵⁷

653. The Executive Order establishing a “Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction” was published on 6 February.³⁵⁸ It stated that the Commission should:

“... assess whether the Intelligence Community is sufficiently authorized, organized, equipped, trained, and resourced to identify and warn in a timely manner of, and support United States Government efforts to respond to, the development and transfer of knowledge, expertise, technologies, materials, and resources associated with the proliferation of Weapons of Mass Destruction, related means of delivery, and other related threats of the 21st century and their employment by foreign powers ...”

³⁵⁴ *The Washington Post*, 1 February 2004, *Bush to Announce Iraq Intelligence Probe This Week*.

³⁵⁵ Letter Straw to Sheinwald, 2 February 2004, ‘Conversations with US Secretary of State, 30 January and 1 February’.

³⁵⁶ Letter Sheinwald to Adams, 1 February 2004, ‘Iraq and WMD: Conversation with US National Security Adviser’.

³⁵⁷ The White House, 2 February 2004, *Press Briefing by Scott McLellan*.

³⁵⁸ The White House, 6 February 2004, *Executive Order: Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction*.

654. Mr Blair and Mr Straw met early on 2 February.³⁵⁹ Sir Andrew Turnbull (Cabinet Secretary), Sir David Omand, Mr Scarlett, Sir Richard Dearlove, Dr David Pepper (Director, GCHQ), Mr Ehrman, Mr Powell, Sir Nigel Sheinwald, Baroness Morgan (No.10 Director of Political and Government Relations), and other officials from No.10 were present.

655. The meeting concluded that the Government would set up a committee to review the intelligence on WMD, and agreed its Terms of Reference and membership. It “should be wider than the ISC”; and it “should look at intelligence on WMD in general, not just Iraq”.

656. In their video conference on 2 February, Mr Blair and President Bush discussed their intentions to establish commissions to examine aspects of the pre-conflict intelligence on Iraq and WMD.³⁶⁰ They also discussed the timescale for the ISG to produce its final report and whether, in the meantime, further material from the ISG’s Interim Report could be used in public.

657. In Mr Blair’s view, the ISG had already found weapons programmes, plans to restart programmes after the UNMOVIC inspectors left and hitherto undiscovered breaches of UN resolutions. The public and media had not digested the implications of the reports and Dr Kay’s remarks. There was enough in the ISG’s findings to justify US/UK military action. When the findings were linked to the wider picture, it would have been irresponsible not to take action on Iraq.

658. Following the discussion, Sir Nigel Sheinwald sent draft Terms of Reference for the UK committee to Dr Rice, stating that they had been revised in the light of the video conference, but were “very much a working draft”.³⁶¹

659. In a subsequent letter, Sir Nigel wrote that he had made clear that the UK Terms of Reference, which Dr Rice had not yet seen, were narrower than those under consideration in the White House, and the aim was to complete the review “as soon as possible”.³⁶²

660. On 2 February, Mr Scarlett sent Mr Powell suggested amendments to Mr Blair’s Note to President Bush on WMD.³⁶³ They were “Points of detail but some are important to get right”.

³⁵⁹ Letter Rycroft to Adams, 2 February 2004, ‘Prime Minister’s Meeting on Review of Intelligence on WMD’.

³⁶⁰ Letter Cannon to Adams, 2 February 2004, ‘Iraq WMD: Prime Minister’s Video-conference with President Bush, 2 February’.

³⁶¹ Letter Sheinwald to Rice, 2 February 2004, ‘WMD: UK Committee’.

³⁶² Letter Sheinwald to Rice, 2 February 2004, ‘Iraq and WMD: Conversation with US National Security Adviser’.

³⁶³ Manuscript comment Scarlett, 2 February 2004 on Paper [unattributed], [undated], ‘Note on WMD’.

661. A revised version of the Note Mr Blair had sent to President Bush, with Mr Scarlett's amendments underlined, was passed to Mr Blair as part of the brief for his appearance before the House of Commons Liaison Committee.³⁶⁴ The amendments included:

- "... The UN when it left in 1998 noted that large stockpiles of weapons and agents were unaccounted for. They are still unaccounted for. That is why UN resolution 1441 unanimously recognised the threat posed to international peace and security by Iraq's proliferation of WMD and long range missiles."
- "... Look at what we know about Libya's CW weapons, now that they are co-operating compared with what we could obtain through intelligence."
- "... [T]hough the ISG has not found evidence of actual weapons, they have found substantial evidence of prohibited activities".
- Three additions to the list of points made by Dr Kay:
 - "Iraq was in clear violation of the terms of UNSCR 1441".
 - "Iraq deliberately waged a policy of destruction and looting".
 - "[T]he ISG has learned things about Iraq's WMD programmes that no UN inspector could have learned".

662. On 2 February, UK news media reported the imminent announcement of a decision to set up a UK inquiry into intelligence on WMD.³⁶⁵

663. *The Guardian* described the forthcoming announcement as "a major u-turn" which had been "forced upon" Mr Blair by President Bush's decision to hold an inquiry in the US.³⁶⁶

664. In his evidence to the Liaison Committee on 3 February, Mr Blair stated:

"The whole reason why we took this action in Iraq was because of the risk posed by an unstable state with weapons of mass destruction capability and the risk that at some point, not necessarily immediately, but at some point in the future, that then gets into the hands of those who are terrorists with terrorist intent."³⁶⁷

665. Mr Straw announced Mr Blair's decision to establish a committee to review intelligence on WMD in the House of Commons on 3 February.³⁶⁸ The Terms of Reference of the committee, to be chaired by Lord Butler, would be:

"... to investigate the intelligence coverage available in respect of WMD programmes in countries of concern and on the global trade in WMD, taking into account what

³⁶⁴ Manuscript comment Powell, 2 February 2004 on Paper [unattributed], [undated], 'Note on WMD'.

³⁶⁵ *BBC News*, 2 February 2004, *Iraq inquiry set to be launched*.

³⁶⁶ *The Guardian*, 3 February 2004, *Iraq's missing weapons: an inquiry is forced upon Blair*.

³⁶⁷ Liaison Committee of the House of Commons, Session 2003-2004, *Oral evidence taken before the Liaison Committee on Tuesday 3 February 2004*, Q 16.

³⁶⁸ House of Commons, *Official Report*, 3 February 2004, column 625.

is now known about these programmes; as part of this work, to investigate the accuracy of intelligence on Iraqi WMD up to March 2003, and to examine any discrepancies between the intelligence gathered, evaluated and used by the Government before the conflict, and between that intelligence and what has been discovered by the Iraq Survey Group since the end of the conflict; and to make recommendations to the Prime Minister for the future on the gathering, evaluation and use of intelligence on WMD, in the light of the difficulties of operating in countries of concern.”

666. Mr Straw explained that, while the ISC, FAC and Hutton inquiries had been under way:

“... three proposals were put before the House in June, July and late October on Opposition motions calling for wider inquiries into aspects of the Government’s handling of events in the run-up to the Iraq war. At the time, the Government resisted those calls, including on the ground that the inquiries already under way should be allowed to complete their work. Later, both the Prime Minister and I also referred to the continuing activities of the Iraq Survey Group.

“Over the past week, we have seen the publication of the Hutton Report and the evidence of Dr David Kay, former head of the Iraq Survey Group, to a US Congressional Committee. It has also emerged that the Iraq Survey Group may take longer to produce a final report than we had all originally envisaged. All that has led the Government now to judge that it is appropriate to establish this new inquiry of Privy Councillors.”

667. Mr Blair and President Bush discussed WMD on 4 February.³⁶⁹ Mr Blair said he thought the public needed to be educated on the nature of intelligence: “not clear facts, but patterns of information on which leaders had to make a judgement”.

Mr Tenet’s speech to Georgetown University, 5 February 2004

668. Mr Tenet used a speech at Georgetown University on 5 February to set out his position on Iraqi WMD and the October 2002 NIE.³⁷⁰

669. The UK was invited to comment on a draft copy on 4 February.³⁷¹

³⁶⁹ Letter Cannon to Adams, 4 February 2004, ‘Prime Minister’s Video-Conference with President Bush, 4 February’.

³⁷⁰ Central Intelligence Agency, 5 February 2004, *Remarks as prepared for delivery by Director of Central Intelligence George J. Tenet at Georgetown University, 5 February 2004: Iraq and Weapons of Mass Destruction*.

³⁷¹ Manuscript comment Scarlett to Rycroft, 4 February 2004, on Speech (draft), Tenet, 3 February 2004, ‘Remarks for the Director of Central Intelligence George J Tenet at Georgetown University, February 5, 2004’.

670. Mr Powell informed Mr Blair that the draft included “Good defence for Iraq”.³⁷²

671. Mr Blair asked for the speech to be circulated to MPs.³⁷³

672. Mr Dowse, who had succeeded Mr Miller as Chief of the Assessments Staff in November 2003, passed “two major comments” to the US Embassy in London:

- The section of the draft speech on good news stories of intelligence work against Libya and AQ Khan³⁷⁴ appeared to pre-empt plans for co-ordinated speeches by President Bush and Mr Blair which had been under discussion for some time.
- The UK was uncomfortable with the draft’s presentation of the role played by intelligence from allies in the US assessment. The implication was that it had been the crucial factor: “Examples: ‘Now, did this information make a difference in my thinking? You bet it did ...’”³⁷⁵

673. In his speech, Mr Tenet explained that intelligence analysts’ differences on several important aspects of Iraq’s WMD programmes were spelt out in the NIE:

“They never said there was an ‘imminent’ threat. Rather, they painted an objective assessment for our policy-makers of a brutal dictator who was continuing his efforts to deceive and build programs that might constantly surprise us and threaten our interests.”

674. Mr Tenet compared the ISG’s interim findings with the October 2002 NIE, emphasising that any comparison was provisional: the ISG’s work was “nowhere near 85 percent finished”. The ISG needed more time and more data.

675. The references to the impact of intelligence received from foreign partners, on which Mr Dowse had commented, remained unchanged. Mr Tenet stated:

“Several sensitive reports crossed my desk from two sources characterized by our foreign partners as ‘established and reliable’.

...

“Now, did this information make a difference in my thinking? You bet it did. As this and other information came across my desk, it solidified and reinforced the judgements we had reached and my own view of the danger posed by Saddam Hussein and I conveyed this view to our nation’s leaders.

³⁷² Manuscript comment Powell to PM, 4 February 2004, on Speech (draft), Tenet, 3 February 2004, ‘Remarks for the Director of Central Intelligence George J Tenet at Georgetown University, February 5, 2004’.

³⁷³ Manuscript comment Blair on Speech (draft), Tenet, 3 February 2004, ‘Remarks for the Director of Central Intelligence George J Tenet at Georgetown University, February 5, 2004’.

³⁷⁴ Abdul Qadeer Khan, known as AQ Khan, the Pakistani nuclear proliferator. On 2 February 2004, AQ Khan admitted on Pakistani television that he had sold nuclear secrets to other countries.

³⁷⁵ Minute Dowse to Scarlett, 5 February 2004, ‘Iraqi WMD: Tenet Speech’.

“Could I have ignored or dismissed such reports at the time? Absolutely not.”

676. Mr Tenet concluded that, based on the data collected over the previous 10 years, it would have been difficult for analysts to reach conclusions other than those in the NIE. But the intelligence community needed to reflect on a number of questions, including:

- Did the history of Saddam Hussein’s behaviour cause the intelligence community to overlook alternative scenarios?
- Did the failure to spot how close Saddam Hussein came to acquiring a nuclear weapon in the early 1990s lead to over-estimation of his programmes in 2002?
- Was the absence of information flowing from a repressive regime considered carefully?
- Were policy-makers told clearly what was and was not known?

The search for WMD, January to July 2004

677. On 9 February, Mr Duelfer informed Mr Blair that:

- the ISG would now focus its effort on people rather than sites;
- he was not yet prepared to conclude that there were no WMD in Iraq; and
- he envisaged an interim report in March.

678. Mr Blair remained concerned about the nature of the public debate on WMD.

679. Mr Duelfer called on Mr Blair in London on 9 February.³⁷⁶ In answer to questions from Mr Blair, he said that:

- The ISG had much work to do and had the resources it needed to get to the bottom of the issue.
- The ISG would now focus on people rather than sites. There were also “vast mounds” of documents to examine.
- The ISG “must examine the strategic intentions of Saddam’s regime. His [Mr Duelfer’s] hypothesis was that the regime’s strategy was to outlast the UN and sanctions. We could not make judgements until this was proven.”
- He was not yet prepared to conclude that the weapons were not there.
- He envisaged an interim report in March, but the final report was “some time away”.

680. Mr Rycroft’s record of the meeting stated that Mr Blair was:

“... content with the timing of late March for the next ISG interim report ... provided that it does not slip. Its handling will require military precision, since its content will fix the debate on WMD for the months ahead.”

³⁷⁶ Letter Rycroft to Baker, 9 February 2004, ‘Iraq Survey Group: Meeting with Duelfer’.

681. Mr Duelfer described the meeting in his memoir:

“Blair was very well informed on the WMD issue, and I had the opportunity to go into greater depth about my plans and tactics than I had with President Bush or Condoleezza Rice ... I highlighted that I felt it was important to take this historic opportunity to record the *reasons* for Saddam’s decisions on WMD and to understand where the regime was headed ...

“Prime Minister Blair asked questions about the sources of information and how I would arbitrate between the views of differing experts. He did not make strong suggestions, but carefully inquired where I was headed and asked about rough estimates on timing. I said I felt ... that when sovereignty was returned to Iraq on 30 June, this would greatly affect ISG operations. I promised to keep the UK Government fully informed.”³⁷⁷

682. During a wider discussion on Iraq on 9 February, Sir Nigel Sheinwald told Dr Rice about Mr Blair’s meeting with Mr Duelfer.³⁷⁸ Mr Blair remained concerned about the nature of the public debate, which Sir Nigel stated was “either there were stockpiles of WMD, or nothing at all. We needed to publicise the reality of the position. The next interim ISG report ... would be very important.” Dr Rice agreed the need to “keep repeating our position”, and to work together on the next report.

683. Mr Dowse updated Sir Nigel Sheinwald on the survey of five sites where intelligence suggested WMD-related items had been hidden underwater.³⁷⁹ It had been suggested during Mr Blair’s video conference with President Bush on 2 February that the ISG was hopeful of finding objects hidden in the Tigris River. Mr Dowse reported that specialist divers had failed to find six rectangular metal objects located by sonar on 21 and 22 January and that the survey of a second site had not located anything suspicious.

684. Mr Scarlett discussed co-ordination between the UK and US with Mr McLaughlin and Mr Hadley in Washington on 9 February.³⁸⁰ Mr Scarlett said that, from a London perspective, there was an urgent need to get more detailed factual information about the work of the ISG into the public domain. The next ISG report would need to be better presented and less indigestible than the last.

685. In a meeting the following day with Ms Jami Miscik, CIA Deputy Director of Intelligence, Mr Scarlett set out “the broad gameplan for getting some balance back into the public debate on WMD”.³⁸¹ “The key was to get more facts into the public domain.”

³⁷⁷ Duelfer C. *Hide and Seek: The Search for Truth in Iraq*. Public Affairs, 2009.

³⁷⁸ Letter Sheinwald to Adams, 9 February 2004, ‘Iraq’.

³⁷⁹ Minute Dowse to Sheinwald, 9 February 2004, ‘Iraq WMD: Search for Items in the Tigris’ attaching Paper [unattributed], [undated], ‘Retrieval from the Tigris’.

³⁸⁰ Telegram 2 Washington to Cabinet Office London, 10 February 2004, ‘Iraq WMD: JIC Chairman’s visit to Washington, 9/10 February’.

³⁸¹ Letter Wood to Scarlett, 10 February 2004, ‘Your Meeting with Jami Miscik, 10 February’.

He stated that “[m]ore widely”, a “succession of speeches, articles and media events” were needed “to highlight the wider proliferation problem”.

686. Mr Scarlett commented on Mr Tenet’s “spotlighting” in his speech:

“... particular intelligence from a trusted intelligence partner (ie the UK). The media of course were watching like hawks for any signs of UK/US splits. Some had interpreted Tenet’s comments as laying the ground to shift the blame for faulty intelligence to SIS.”

687. Mr Scarlett also discussed the debate in Washington and its focus on whether intelligence had been politicised, and whether the assessments had been wrong. On the former, there were comments about the highly politicised environment and the extent to which “very persistent lines of questioning” from politicians might have led analysts “further towards particular judgements than they would have moved of their own accord”.

688. Mr Wood, who accompanied Mr Scarlett to the meeting, commented afterwards that, in the wake of Mr Tenet’s speech, there remained “ample potential for a serious public CIA/White House blame game between now and the [US presidential] election”.

689. Mr Blair described his meeting with Mr Duelfer to President Bush during their video conference on 10 February.³⁸² Mr Blair said that, if there were an ISG interim report by the end of March, it would define the issue for some time. It therefore needed to be detailed, with factual backing, and carefully handled. Mr Duelfer had a clear idea of what was needed, including background on the Iraqi concealment effort, destruction of documentation, and the compartmentalisation of the WMD programmes.

690. SIS sent No.10 a copy of a senior officer’s speaking note dated 10 February for an address to staff on the issue of why no WMD had been found in Iraq.³⁸³

691. Sir Nigel Sheinwald drew Mr Blair’s attention to the note’s conclusion that critics were unlikely to be proved wrong in the short term, but that the story of Iraq’s WMD would come out in the end.³⁸⁴

692. Mr Blair commented on the paper:

“But is Duelfer + ISG now working? That’s what we must press. But this is a good paper.”³⁸⁵

³⁸² Letter Cannon to Adams, 10 February 2004, ‘Prime Minister’s Video-Conference with President Bush, 10 February’.

³⁸³ Paper [senior SIS officer’s speaking note for an address to staff], 10 February 2004, ‘Why have we found no WMD in Iraq?’

³⁸⁴ Manuscript comment Sheinwald on Paper [senior SIS officer’s speaking note for an address to staff], 10 February 2004, ‘Why have we found no WMD in Iraq?’

³⁸⁵ Manuscript comment Blair on Paper [senior SIS officer’s speaking note for an address to staff], 10 February 2004, ‘Why have we found no WMD in Iraq?’

693. In a speech in Washington on 11 February, President Bush highlighted recent counter-proliferation successes, including the breaking of the AQ Khan nuclear proliferation network and Libya's agreement to end its nuclear and chemical weapons programmes, and announced a package of proposals to strengthen international counter-proliferation efforts.³⁸⁶

694. On 13 February, the British Embassy Washington reported that, although President Bush's "big pitch on proliferation" had had some success in broadening the political debate about WMD, a poll in *The Washington Post* suggested that a majority of Americans believed the President had intentionally exaggerated evidence that Iraq had WMD.³⁸⁷

695. The Embassy also reported that the Senate Intelligence Committee had decided to broaden its investigation, previously restricted to the performance of the intelligence community, to include whether policy-makers' statements were substantiated by intelligence.³⁸⁸ The Embassy concluded that the way was probably now clear for the Committee to release a report at the end of March which criticised the intelligence community.

696. The Embassy also reported that:

- The CIA had released an internal speech by Ms Miscik to *The Washington Post*, which had reported on 12 February that "an internal review revealed several occasions when analysts mistakenly believed that Iraq weapons data had been confirmed by multiple sources when in fact it had come from a single source" and that Mr Tenet had "ordered an end to the long-standing practice of withholding from analysts details about the clandestine agents who provide the information".
- *The New York Times* on 13 February had quoted "senior intelligence officials" as saying that analysts had not been told that much of the information came from defectors linked to exile organisations that were promoting an American invasion.
- *Newsweek* had reported on 12 February that the CIA was "re-examining the credibility of four Iraq defectors" and had already "acknowledged that one of the defectors had been previously branded a fabricator by another US intelligence agency".

³⁸⁶ The White House, 11 February 2004, *President Announces New Measure to Counter the Threat of WMD*.

³⁸⁷ Telegram 220 Washington to FCO London, 13 February 2004, 'Iraq WMD: US Debate, 13 February'.

³⁸⁸ The Intelligence Committee's first report was published on 9 July 2004. The "Phase II" report on the broader investigation announced in February 2004 was published in five parts between September 2006 and May 2008. Both are addressed later in this Section.

697. *The Washington Post* article was also reported by the UK media on 12 February, including by the *BBC* under the headline “Iraq ‘prompts CIA method change’”.³⁸⁹

698. Ms Miscik’s speech was released publicly by the CIA in March 2004.³⁹⁰

699. On 17 February Mr Dowse sent SIS3 the draft of a speech on WMD to be made by Mr Blair at some time in the next six to eight weeks.³⁹¹ It was “very different from the version” they had been discussing. Mr Blair had reworked the text himself over the weekend and it focused “much more [on] the justification for the war in Iraq”.

700. The No.10 briefing for Mr Blair’s video conference with President Bush on 17 February stated that the President’s speech on proliferation had not had the impact he seemed to have expected.³⁹² Mr Blair should inform President Bush that he was working on his own speech “to produce a philosophical rationale for our action on WMD (and terrorism)”.

701. Mr Blair told President Bush on 17 February that he wanted his own speech to get across the linkages between WMD, rogue states and terrorism.³⁹³ Recent investigations were uncovering further details of the AQ networks in the UK.³⁹⁴ Mr Blair added that, in dealing with WMD, it was impossible for the political leadership to err on the side of caution.

Preparation of the ISG Status Report

702. Preparations for the ISG Status Report began in late February.

703. Mr Duelfer made it clear to the UK that he would not accept “joint drafting”.

704. Mr Scarlett sent to Mr Duelfer “nuggets” from the September 2003 ISG Interim Report that he considered might be relevant to the next ISG report. He assured Mr Duelfer that these were not drafting proposals.

705. Mr Blair stated that Mr Duelfer must be in charge of production of the report, but that it must be handled better than the last.

706. Mr Duelfer set out his plans for the next ISG report during a video conference on 24 February.³⁹⁵ The report, later known as the ISG Status Report, would be no more than 25-30 pages, avoid conclusions or assessments, identify the issues remaining to

³⁸⁹ *BBC News*, 12 February 2004, *Iraq prompts CIA method change*.

³⁹⁰ Speech DDI, 11 February 2004, *DDI’s State of Analysis Speech*.

³⁹¹ Letter Dowse to SIS3, 17 February 2004, ‘Prime Minister’s Speech on WMD’.

³⁹² Minute Cannon to Prime Minister, 16 February 2004, ‘Video-Conference with Bush, 17 February’.

³⁹³ Letter Cannon to Adams, 17 February 2004, ‘Prime Minister’s Video-Conference with President Bush, 17 February’.

³⁹⁴ The Government has provided evidence indicating that the reference in the record to “AQ networks in the UK” was an error. The record should have referred to the networks of the Pakistani nuclear proliferator AQ Khan.

³⁹⁵ Minute [DIS] to DCDI, 24 February 2004, ‘Iraq/ISG: Senior Level UK/US VTC 24 February 2004’.

be addressed and highlight the intentions of the regime. There would be no detailed annexes. Any annexes that had been prepared in his absence would be included in the final report.

707. Mr Howard explained the wish at the highest political level in the UK for the report to include as much detail as possible. He offered to host a seminar in London bringing together experts from the ISG, London and Washington. Mr Duelfer was not averse to including detail as long as there were no piecemeal conclusions, and was fully committed to consulting capitals on the interim and final reports. He was not attracted to the idea of a seminar.

708. Mr Scarlett advised Sir Nigel Sheinwald that getting “the right balance of detail” into the next ISG report might not be as simple as the record of the video conference suggested. He was pressing for immediate sight of the latest draft.³⁹⁶

709. Mr Scarlett reported separately that, during a video conference on 2 March, Mr Duelfer had explained that he did not intend to share the draft of the next interim report with capitals in advance, but was willing to discuss detail.³⁹⁷ He had emphasised the importance of the report being seen to be the independent work of the ISG. Mr Scarlett and Mr Howard had stressed the importance of capturing some of the detail from the September 2003 Interim Report, which underpinned public statements. They had been invited to submit areas of the 2003 Interim Report they would like to see reflected.

710. The Op ROCKINGHAM weekly update for 27 February to 4 March reported that the ISG’s pace of operations could not be sustained in March.³⁹⁸ Limiting factors included a reduction in the number of already scarce interpreters and a requirement to train US units arriving on troop rotation.

711. In early March, Mr Blair requested weekly updates on the ISG.³⁹⁹

712. During a video conference on 2 March, Mr Scarlett stressed to Mr Duelfer the need for his forthcoming report to capture some of the detail from the September 2003 ISG Interim Report.⁴⁰⁰ Mr Duelfer invited Mr Scarlett to submit “nuggets” which the UK believed were “relevant” to the forthcoming report.

713. On 4 March, Mr Scarlett told Sir Nigel Sheinwald that discussions with Mr Duelfer would need careful handling. Mr Duelfer had made it clear that he owned the report and would not accept “joint drafting”. Mr Scarlett advised that, whatever assurances were received from the US, the UK would have to work hard to avoid “surprises”.

³⁹⁶ Manuscript comment Scarlett to Sheinwald, 26 February 2004, on Minute [DIS] to DCDI, 24 February 2004, ‘Iraq/ISG: Senior Level UK/US VTC 24 February 2004’.

³⁹⁷ Minute Scarlett to Sheinwald, 4 March 2004, ‘Iraq: The ISG’ attaching Paper [unattributed], [undated], ‘Iraq ISG Issues’.

³⁹⁸ Op ROCKINGHAM Weekly No.36, 27 February – 4 March 2004.

³⁹⁹ Minute Scarlett to Sheinwald, 4 March 2004, ‘Iraq: The ISG’.

⁴⁰⁰ Minute Scarlett to Duelfer, 8 March 2004, ‘ISG Report’.

714. Sir Nigel Sheinwald commented to Mr Blair:

“It is going to be difficult to get the sort of interim ISG report we want ... I’ve asked the FCO + SIS to press on their channels. I’ll talk to Condi [Rice], and you should raise again with the President next week.”⁴⁰¹

715. On 8 March, Mr Scarlett sent Mr Duelfer “nuggets” from the September ISG Interim Report for inclusion in the forthcoming report.⁴⁰² Mr Scarlett explained:

“Without knowing the details of your current draft it is difficult to judge where these ‘nuggets’ would fit in. But I am confident their inclusion will:

- establish the context for the latest developments which your functional teams are preparing for inclusion in your new report;
- help to set out clearly where the ISG have established Iraqi breaches of UNSCRs;
- explain the current state of the ISG’s key, most important lines of enquiry.

“They do not require you or your report to come to conclusions about these lines of enquiry. You explained your approach on this point when you were in London last month and, as you know, it is one with which we agree.”

716. The material proposed for inclusion by Mr Scarlett included:

- BW. Quotes from Iraqi scientists to the effect that Iraq was still actively pursuing ricin for weaponisation and that as of March 2003 it was being developed into stable liquid to deliver as aerosol in small rockets, cluster bombs and smoke generators.
- CW. The Iraqi declaration in December 2002 that it had imported 11,500 tonnes of white phosphorous, a potential precursor for nerve and blister agents.
- Nuclear. Remarks attributed to Mr Tariq Aziz (Iraqi Deputy Prime Minister from 1979 to 2003) and Mr al-Huwaish on the strategic intentions of the Iraqi regime.
- Missile. Material that had already been used by the *BBC* on the designs for long-range missiles using SA-2/Volga engines.
- Sanitisation and destruction. Further material on the deliberate sanitisation and destruction witnessed by the ISG to help reinforce the message on the difficult operational environment.

717. Mr Scarlett concluded:

“The above is designed to point you to particular areas in the classified September [Interim] Report which appear to be of relevance to your work now. They are

⁴⁰¹ Manuscript comment Sheinwald to Prime Minister on Minute Scarlett to Sheinwald, 4 March 2004, ‘Iraq: The ISG’.

⁴⁰² Minute Scarlett to Duelfer, 8 March 2004, ‘ISG Report’.

not intended as drafting proposals. I am also aware that the precise drafting of items which comprise potential intelligence must take account of the need not to undermine lines of continuing operational investigation.”

718. Mr Scarlett sent a copy to Mr Rycroft, explaining that it:

“... does no more than draw his [Mr Duelfer’s] attention to items already written up by Kay in classified form, in September. But I have made it clear I was not trying to do his drafting for him.”⁴⁰³

719. In his memoir, Mr Duelfer described the relationship with Mr Scarlett:

“I met ... John Scarlett ... and stayed in touch with him and his office throughout the process ... He wanted to be certain that the ISG had access to the same data that the United Kingdom had ...

“I valued the direct involvement of Scarlett. Some questioned his suggestions for ISG. I found it helpful to hear and evaluate his ideas.”⁴⁰⁴

720. Mr Duelfer also wrote:

“Scarlett and I had spoken in person in London and I had requested that he bring to my attention any aspects that I might have overlooked. The particular points he recalled from the earlier Kay Report had been further investigated since their publication and found to be without consequence. The nuggets were fool’s gold, but I was reassured to have examined them.”

721. Mr Blair raised the ISG during a video conference with President Bush on 9 March.⁴⁰⁵

722. Mr Blair said that Mr Duelfer must remain in charge of production of the next report, but it was vital that it was handled better than the last. There was a better story to be told. Much material in October’s secret Interim Report could be drawn on publicly next time, such as transcripts of interviews with scientists. By including detailed material, the next report should lead people to the conclusion that “*something*” was going on in Iraq in breach of UN resolutions, even if the material did not lead to concrete evidence of actual weapons. The next step, probably in a further report, would be to set out exactly what had been happening.

723. Mr Rycroft described the conversation as “A good exchange.”

724. On 11 March, Sir Nigel Sheinwald sent Mr Blair a note from Mr Scarlett on the progress of his discussions with Mr Duelfer.⁴⁰⁶ Sir Nigel informed Mr Blair that

⁴⁰³ Minute (handwritten) Scarlett to Rycroft, 8 March 2004, ‘ISG’.

⁴⁰⁴ Duelfer C. *Hide & Seek: The Search for Truth in Iraq*. Public Affairs, 2009.

⁴⁰⁵ Letter Rycroft to Adams, 9 March 2004, ‘Iraq Survey Group: Prime Minister’s Conversation with President Bush, 9 March’.

⁴⁰⁶ Manuscript comment Sheinwald to Prime Minister on Minute Scarlett to Sheinwald, 11 March 2004, ‘ISG’.

Mr Scarlett's "nuggets" would be included in Mr Duelfer's report, although the timing would be "tight, + difficult".

725. Mr Blair asked: "But can they also include the transcripts of interviews which I found v[ery] persuasive in the Oct 2003 background draft?"⁴⁰⁷

726. In a note to No.10 officials on 15 March, Mr Blair wrote:

"As for the ISG, the problem is that they don't seem to understand that, at present, opinion thinks there is either a WMD finding or nothing. Actually there is a mystery as to what happened to the physical evidence but it was plain much was going on in breach of UN resolutions. It is the latter point that the further interim report could deal with, eg by disclosing transcripts of interviews with Iraqi scientists and officials as per the background paper in October. We need to work intensively on this with the US this week."⁴⁰⁸

727. Mr Blair's initial view of the draft ISG Status Report was that it was better than expected.

728. Mr Blair was clear that the principal messages – that Saddam Hussein had been in breach of Security Council resolutions and that his behaviour had raised "immense suspicions" – must stand out.

729. The first copy of the draft ISG Status Report was received in London on 15 March.⁴⁰⁹ Mr Scarlett described it as:

- “• short
- a summary of developments since the September [Interim] Report
- focused on strategic intentions of the regime
- careful to avoid conclusions”.

730. Mr Scarlett drew attention to material in the section on new developments:

- Nuclear – “Some useful new detail here which strengthens the previous comment.”
- BW – “This is weaker and lacking detail. Almost all the points from Kay's report, which we proposed for inclusion are not here. Although the draft avoids 'conclusions', some negative assessment points in that direction, especially on the mobile labs.”
- CW – “Again, this lacks detail including the 'nuggets' proposed by us ...”
- Missiles – “As before, some useful detail but there could be significantly more, again including our proposals from the previous report.”

⁴⁰⁷ Manuscript comment Blair on Minute Scarlett to Sheinwald, 11 March 2004, 'ISG'.

⁴⁰⁸ Note [Blair], 15 March 2004, [untitled].

⁴⁰⁹ Minute Scarlett to Cannon, 16 March 2004, 'ISG Draft Report'.

731. Mr Scarlett wrote that Mr Duelfer had included only a few of the UK's suggestions and seemed to be trying to avoid going into detail, especially if it came from Dr Kay's Interim Report. There were "numerous instances" where Mr Duelfer could have brought out breaches of resolutions, but did not.

732. Mr Scarlett concluded:

"Overall, this is a carefully written, 'strategic' document designed to restore or to reinforce the credibility of the ISG and to lay the groundwork for future conclusions in a final report ..."

733. Addressing tactics, Mr Scarlett added:

"We will concentrate on repeating our previous proposals for inclusion of further detail ... We will also point up the many opportunities for emphasising breaches of UNSCRs ..."

734. Mr Scarlett reported that his US interlocutors were:

"... very clear that 'comments' must come from the intelligence community and not the policy makers ... Duelfer is already feeling sensitive to 'pressure' from London ..."

735. Mr Blair and President Bush discussed the impact of the next ISG interim report on 16 March.⁴¹⁰ Mr Blair said that the first draft was better than expected. Although it contained nothing completely new, it showed that Iraq had been in clear breach of UN resolutions. It was important to keep some of the "colour" in the report, but even as it stood it was quite powerful: "it helped attack the argument that the Coalition should find physical evidence or the war was unjustified".

736. Mr Blair chaired a meeting to discuss the ISG on 17 March, attended by Mr Scarlett, Mr Howard, Mr Dowse, a senior SIS official and officials from No.10.⁴¹¹

737. In response to Mr Scarlett's advice on the timetable for the next interim report, Mr Blair commented:

"There could be no question of our seeking to influence the material in the report. Mr Duelfer must set out the facts as he saw them.

"But (a) an interim report was necessary (b) the material should be set out clearly (c) presentation of the report was important."

⁴¹⁰ Letter Cannon to Adams, 16 March 2004, 'Iraq WMD: Prime Minister's Video-conference with President Bush, 16 March'.

⁴¹¹ Minute Cannon to Scarlett, 18 March 2004, 'Iraq Survey Group'.

738. Mr Blair's initial view of the draft was that it was:

"... better than expected. The whereabouts of the physical evidence remained unresolved. But an unbiased reader could only conclude that Saddam had been in breach of SCRs and that he was involved in highly suspicious activities."

739. In discussion of the detailed text, the following points were identified:

- Mr Blair thought the section on procurement needed more detail and clarity.
- Mr Scarlett thought the points on Iraq's nuclear activities were "too firm". The report "needed to point out the possible non-nuclear dual use potential for some of this equipment".
- Mr Blair "wanted background explanations on 'dual use goods': the regime had gone to elaborate lengths to obtain material allegedly for fertiliser or insecticide production and the suspicious nature of this should be picked up".
- The report should make clear that "deception and concealment operations continued right up to the outbreak of the conflict" and ask "why such elaborate deception was needed if there was nothing to hide".
- The need to "underline that Blix had been systematically hindered", including over interviews with scientists.
- "Quotations from interviewees would add verisimilitude to the report."
- "We should underline the deliberate destruction of evidence and sanitisation of sites eg repairing of buildings during the conflict."
- There should be more material on Korean missile technology.

740. Mr Scarlett said that the interim report would "flag up problems over eg the alleged BW mobile laboratories and the unexpected absence of battlefield CW".

741. Mr Blair concluded that Mr Duelfer "needed to be clear about the 'top line' of his report". Based on the draft, that was that Saddam Hussein:

"(a) had been in clear breach of SCRs and (b) his behaviour raised immense suspicions, even if we had yet to pin down the exact nature of his machinations ... [T]here could be no question of influencing the material that appeared in the report. But it was important that, as a document, it held together as a logical, coherent and well-documented whole."

742. Mr Scarlett discussed the ISG report in a video conference with Mr Duelfer, Maj Gen Dayton and the CIA on 18 March.⁴¹²

743. Mr Scarlett told Sir Nigel Sheinwald that Mr Duelfer felt the report would need to be "heavily sanitised" to avoid public exposure of operational details of lines of enquiry

⁴¹² Minute Scarlett to Sheinwald, 18 March 2004, 'ISG'.

being pursued by the ISG. Two options were under consideration: sanitising the draft for public release, or producing a three- to five-page executive summary.

744. Mr Rycroft commented to Mr Blair that Mr Duelfer's suggested approach was "worrying", and that Mr Scarlett and Sir Nigel Sheinwald would be pursuing the issue with the US.⁴¹³

745. On 22 March, Mr Scarlett told Sir Nigel Sheinwald that the ISG had reported the previous day that Mr Duelfer had decided that the sanitised version of the full report would need to remove all the paragraphs on the direction of future investigation, as well as the items that were policy and source sensitive.⁴¹⁴ As a result, he had directed that work should focus on a short summary, which was "broadbrush" and gave "little supporting detail".

746. Mr Scarlett added that the points which stood out were:

- "a focus on the use of illicit funds for procurement" although there was "a big gap between the funds raised (several billion dollars) and those allocated to the Military and Intelligence Commission (\$500m)";
- "no CBW weapons found nor any agent production facilities";
- "unresolved questions over research into CBW agents and planned chemical agent production, but little detail given";
- "items on the high speed rail gun and explosive test facilities which have possible nuclear weapons implications";
- "little new information in the section on delivery systems".

747. Mr Scarlett "wondered" whether the change in Mr Duelfer's position reflected "advice from Washington", but he had "no evidence", and it might well have been "generated within the ISG on operational grounds".

748. Mr Scarlett wrote that he had "made it clear" to Mr Duelfer and to the CIA in Washington "that the clear preference for policy makers in London is for publication of a sanitised version of the full report".

749. On instruction from Mr Blair, Sir Nigel Sheinwald raised UK concerns about the drafting of the report with Dr Rice on 22 March.⁴¹⁵ Sir Nigel told Dr Rice that:

"Duelfer now seemed to have decided against publishing any of the report itself, and had circulated a five page summary in the form of his intended Congressional testimony. This was in fact similar to the technique used last October by David Kay, which had not worked at the time. But Kay's unclassified summary was a good deal more detailed than Duelfer's draft. We seemed to be going backwards."

⁴¹³ Manuscript comment Rycroft on Minute Scarlett to Sheinwald, 18 March 2004, 'ISG'.

⁴¹⁴ Minute Scarlett to Sheinwald, 22 March 2004, 'ISG Interim Report'.

⁴¹⁵ Letter Sheinwald to Adams, 22 March 2004, 'Conversation with US National Security Adviser'.

750. Sir Nigel explained that the UK was “not asking for the report to be over-egged. We should be honest and say that there were no clear answers on what had happened.” But it was important that Mr Duelfer should be able to conclude that, at the very least, Iraq was in breach of UN resolutions.

751. Sir Nigel commented:

“The problem is that the draft is getting worse, not better from our point of view; and it will be difficult to secure a substantial change of direction at this stage. But we will try. John Scarlett is in touch separately with the CIA.”

752. Mr Scarlett discussed the ISG draft report at a video conference on 23 March with Mr McLaughlin, Ms Miscik, Mr Duelfer, Maj Gen Dayton, Mr Howard and an Australian representative.⁴¹⁶ Mr Duelfer was working on three documents: the classified report; an unclassified summary; and his personal statement to the Congressional Committees. The UK had seen the first two and was expecting the third shortly. Mr Duelfer emphasised that his personal statement would make clear that Iraq had been in breach of UN resolutions.

753. Mr Duelfer also reported that three senior analysts had left the ISG, unhappy with what they expected the report to cover. They had felt that Mr Duelfer’s reluctance to draw conclusions reflected political interference rather than his stated position that he needed to familiarise himself with his new responsibilities first. There were concerns that the three might make their views public.

754. Sir Nigel Sheinwald discussed the draft report with Dr Rice later on 23 March.⁴¹⁷ He said that the “key” was “a clear message that, whatever construction was to be placed on what the ISG had found or not found, UNSCRs had been breached and suspicious activity was continuing under Saddam”.

755. Sir Nigel commented that the discussion had been more encouraging than might have been expected. It could still prove difficult to persuade Mr Duelfer “to change tack completely”, but Sir Nigel’s contacts with Dr Rice and Mr Scarlett’s with the CIA seemed to have “shaken up” the CIA to some extent. There should now be an opportunity to strengthen the text to some degree.

756. Mr Duelfer visited London on 26 March to discuss the ISG Status Report.⁴¹⁸ He met Mr Howard’s WMD Task Force and Mr Scarlett and Sir Nigel Sheinwald.

⁴¹⁶ Minute Scarlett to Sheinwald, 23 March 2003, ‘ISG’.

⁴¹⁷ Letter Sheinwald to Adams, 23 March 2004, ‘Iraq: ISG’.

⁴¹⁸ Minute Scarlett to Sheinwald, 26 March 2004, ‘ISG’.

757. Mr Scarlett reported that the position had moved on significantly. Two documents had been prepared:

- the full, classified Status Report, addressed to Mr Tenet and to be copied to Congress; and
- Mr Duelfer's testimony to the Congressional Committee hearings on 30 and 31 March.

758. Mr Scarlett wrote that the testimony replaced an earlier unclassified summary of the Status Report. It was a "more forceful" document and would need only light adjustment for public release.

759. Mr Scarlett also reported that Mr Duelfer intended to draft a final report over the summer and was looking to "surge" additional staff. Mr Howard was considering how the UK might help.

760. Mr Blair, who was shown Mr Scarlett's report by Sir Nigel Sheinwald, commented in the margin that the additional staff were "obviously vital".⁴¹⁹

761. Sir Nigel Sheinwald advised Mr Blair that the text of Mr Duelfer's testimony was an improvement on earlier texts, but the media was "still likely to judge it thin" and the points Mr Duelfer intended to emphasise were "very process-oriented".⁴²⁰

762. Sir Nigel wrote:

"... our pressure should now shift from the substance of the report (where we have made little headway) to the handling. If you agree I suggest the following steps on Monday [29 March]:

- We need to ensure that the CIA take as little as possible out for the sanitised version. We need all the detail we can secure.
- Duelfer should prepare a short summary ... This must include a clear statement of breach of SCRs ... The summary needs to bring out new and suspicious evidence. The Assessments Staff should pass a draft to the Americans.
- ... [H]e needs to prepare a clear brief statement for the broadcast media ...
- We need supporting media appearances in both the US and UK, in parallel. The Foreign Secretary is being lined up here. We need to ensure that the Americans have made a similar plan – last time it was all last minute.
- This will require action on several fronts: Hill/Bartlett, Scarlett/CIA, me/ Condi, possibly Jack [Straw]/Powell. It will be too late by the time you speak to the President on Tuesday [30 March].
- ...

⁴¹⁹ Manuscript comment Blair on Minute Scarlett to Sheinwald, 26 March 2004, 'ISG'.

⁴²⁰ Minute Sheinwald to Prime Minister, 26 March 2004, 'Iraq: ISG'.

“Do you agree that these are the main things we should be focusing on?”

763. Mr Blair replied: “Yes but if the report is weak it will be v[ery] hard to succeed.”⁴²¹

764. No.10 sent a separate record of the meeting between Mr Duelfer and Sir Nigel Sheinwald and Mr Scarlett to Mr Straw’s Private Office.⁴²² The record stated:

- Duelfer said that he hoped to put together a ‘compelling case’ that the Saddam regime had put in place a system to ‘sustain the intellectual capital’ for a WMD programme, with a ‘break-out capacity’ once a decision to reinstate the programme was taken.
- Duelfer said that, while he was slightly more optimistic than when he took up the job that actual WMD might be found, the odds were still that they would not be located. He was looking into the possibility that some had been smuggled into Syria.
- He had not realised the extent of the fears of potential interviewees, either of prosecution by the Americans or of assassination by former colleagues.
- If stocks of WMD did not exist, then they would have been destroyed long before the Iraq campaign.
- The core group around Saddam had been remarkably successful in eroding sanctions up to 9/11, including by manipulating some members of the Security Council. He believed that the ISG would be able to demonstrate that the regime had been thwarting UN sanctions and making plans to resuscitate its WMD programmes ... It was clear that the regime’s ultimate goal had been to obtain nuclear weapons. There had been a policy of continuing WMD development under the cover of ‘dual use’ programmes.
- ...
- Duelfer said that Washington might have misled us about his touchiness about UK advice: in fact he welcomed advice although he could not guarantee he would take it. He would take into account advice on public perceptions in the UK.
- The interim report would be a status report, with no new revelations, and a forward look ... Duelfer would certainly not be pulling back on Kay’s fundamental contention that Saddam had been in clear breach of resolution 1441.”

765. Mr Blair commented that Mr Duelfer “still needs to list any UN breaches with supporting evidence”.⁴²³

⁴²¹ Manuscript comment Blair on Minute Sheinwald to Prime Minister, 26 March 2004, ‘Iraq: ISG’.

⁴²² Letter Cannon to Adams, 26 March 2004, ‘Iraq Survey Group’.

⁴²³ Manuscript comment Blair on Letter Cannon to Adams, 26 March 2004, ‘Iraq Survey Group’.

766. The meeting of the JIC Sub-Committee on Iraq/WMD on 29 March, chaired by Mr Scarlett, discussed plans for responding to Mr Duelfer's testimony, including a draft summary of key points which had been sent to Mr Duelfer.⁴²⁴

767. The key points included:

- "Iraq was remarkably successful in eroding UN sanctions. Containment strategy was being systematically undermined by several countries including key members of the UNSC."
- "Iraq derived billions of dollars between 1999 and 2003 from oil smuggling, kickbacks and abuse of the Oil-for-Food [OFF] programme. This was outside the control of the UN and free for the regime to spend without restriction."
- "ISG has information regarding dual-use facilities and ongoing research suitable for a capability to produce CBW at short notice."
- "ISG has also found evidence to indicate Iraqi interest in preserving and expanding the knowledge needed to design and develop nuclear weapons."
- "In addition ... the ISG has continued to uncover very robust programmes for delivery systems."
- "The ISG is focusing on the broader picture of regime intent and how the technical developments fit into this picture in an integrated manner."

The ISG Status Report, 30 March 2004

768. Mr Blair and President Bush discussed the impact of the ISG Status Report on 30 March.⁴²⁵ Mr Blair said that the draft he had seen was quite good and certainly better than it might have been. Expectations in the UK were low. The more detail that could be declassified and put into the text the better. Mr Duelfer's methodology was better than Dr Kay's, which had not been rigorous.

769. Mr Duelfer delivered his testimony to Congress later on 30 March, explaining:

"This Report is very limited in scope. It is intended to provide a status report of my efforts at steering the ISG. It is not a preliminary assessment of findings."⁴²⁶

770. The Status Report incorporated many of the key points sent to Mr Duelfer by the UK:

- Challenges. Iraqi managers, scientists and engineers were extremely reluctant to speak freely and documents were not easy to interpret. The ISG still did not fully understand regime intentions.

⁴²⁴ Minute Scarlett to Howard, 29 March 2004, 'JIC Sub-Group Meeting on Iraq WMD' attaching Paper [unattributed], [undated], 'ISG Report – Summary of Key Points'.

⁴²⁵ Letter Quarrey to Owen, 30 March 2004, 'Prime Minister's VTC with Bush, 30 March: Iraq'.

⁴²⁶ Central Intelligence Agency, 30 March 2004, *Testimony by Charles Duelfer on Iraqi WMD Programs*.

- Procurement. Iraq derived billions of dollars between 1999 and 2003 from oil smuggling, kickbacks and abuse of OFF, money which was outside the control of the UN. Iraq imported banned military weapons and technology and dual-use goods through OFF contracts.
- Denial and deception. The ISG had uncovered more details about Iraq's efforts to deceive UNSCOM and then UNMOVIC right up to the invasion in March 2003.
- Biological and chemical weapons. The ISG had new information on Iraq's dual-use facilities and research into short-notice production of CBW. "Iraq did have facilities suitable for the production of biological and chemical agents needed for weapons. It had plans to improve and extend and even build new facilities."
- Nuclear weapons. ISG analysis suggested "Iraqi interest in preserving and expanding the knowledge needed to design and develop nuclear weapons".
- Delivery systems. The ISG had continued to uncover "a very robust program for delivery systems that were not reported to the UN. New information has been discovered relating to long range ballistic missile development and Unmanned Aerial Vehicles (UAVs)."
- Regime intent. Mr Duelfer had instilled a new focus on the question of regime intent. It was "critically important to understand the intentions of the regime" when putting other activities into context.

771. Mr Blair commented on the absence of media coverage of Mr Duelfer's testimony:

"Amazing it got no publicity. Sh[oul]dn't we now publicise it? What is our Iraq SCU [Strategic Communications Unit] doing?"⁴²⁷

772. Sir Nigel Sheinwald advised that the Government "sh[oul]d not try to publicise this Report now". He asked Mr David Quarrey, a Private Secretary in No.10, to discuss the issue with Mr Scarlett, the MOD and the FCO before putting advice to Mr Blair.⁴²⁸

773. On 8 April, Mr Quarrey advised Mr Blair:

"The Report received little coverage, although it did usefully get some information into the public domain. But things have moved on now. In current circumstances (ie the security situation) it would be extremely difficult to get further coverage in anything other than negative terms."⁴²⁹

⁴²⁷ Manuscript comment Blair on Minute Scarlett to Sheinwald, 30 March 2004, 'ISG'.

⁴²⁸ Manuscript comment Sheinwald on Minute Scarlett to Sheinwald, 30 March 2004, 'ISG'.

⁴²⁹ Minute Quarrey to Prime Minister, 8 April 2004, 'ISG'.

774. Also on 8 April, Mr Wood reported from Washington that there were likely to be three UK angles to the Report of the Senate Intelligence Committee into pre-conflict intelligence on Iraq:

- the reference to yellowcake in President Bush's State of the Union speech in 2003, on which the Committee was likely to be more critical of the US than the UK;
- the "45 minute claim" on which the Report would conclude that there was a basis in intelligence for the public claim; and
- [...].⁴³⁰

The transfer of power to the Iraqi Interim Government

775. On 29 March, a senior SIS officer sought guidance from Mr Ehrman on the responsibilities of the future Government of Iraq for counter-proliferation and "the legacy of CBRN related capabilities".⁴³¹ The Coalition had had a difficult year. Questions to consider included:

- where responsibility for those issues would lie in the CPA and its successors;
- how policy-makers saw the UK helping Iraq solve the "CBRN riddles remaining from the past"; and
- the point at which international organisations would be brought in to help Iraq and the amount of preparatory work that would be necessary with the US.

776. Mr David Landsman, Mr Dowse's successor as the Head of FCO Counter-Proliferation Department, co-ordinated Whitehall discussion.⁴³² On 31 March, he sought views on:

- how long the ISG would be needed;
- the legal basis for ISG operations after the transfer of sovereignty;
- how the UK would engage with Iraq on other counter-proliferation activities;
- what sort of co-operation programmes and assistance should be established; and
- when to bring in international agencies.

777. A DIS official replied on 3 April.⁴³³ He reported that US thinking on the future of the ISG was fluid. The ISG's work had not been included in Iraq's Transitional Administrative Law (TAL) (see Section 9.2) and it was not yet possible to advise on the legal basis for the ISG's work in Iraq after the transfer of sovereignty. The WMD Task Force had told Mr Duelfer that it hoped it would be possible to produce a final report within the next

⁴³⁰ Letter Wood to Scarlett, 8 April 2004, 'Iraq WMD: Activity in the Senate Intelligence Committee'.

⁴³¹ Letter SIS [senior officer] to Ehrman, 29 March 2004, [untitled].

⁴³² Letter Landsman to Howard, 31 March 2004, 'Iraq: Implementing Counter-Proliferation Policy After June'.

⁴³³ Letter [DIS] to Peters, 3 April 2004, 'Iraq: Implementing Counter-Proliferation Policy After June'.

few months but, in practice, the UK would have to continue to support the ISG until Mr Duelfer was ready to produce his report.

778. The Op ROCKINGHAM weekly update for 2 to 7 April stated that deteriorating security in Baghdad and Basra was affecting ISG operational planning.⁴³⁴ A shortage of vehicles with armoured protection was complicating efforts to complete outstanding collection activities before the end of June.

779. On 13 May, Mr Howard wrote to Mr Scarlett about the future of the ISG.⁴³⁵ He advised that the ISG still had much work to complete, including collection activities at suspect sites, interviews of HVDs, and analysis of millions of documents. Its ability to continue those tasks after 30 June was uncertain and future command and control arrangements were in a state of “flux”.

780. Mr Howard reported that Mr Duelfer expected to “produce a detailed report” in the late summer/early autumn. While that would “not necessarily draw the line underneath the question of WMD in Iraq” it was “likely to make provisional conclusions”. That would “almost certainly signify in the public mind the ‘final word’ from the ISG on Iraq WMD”.

781. After the transfer of sovereignty on 30 June, the ISG would focus increasingly on analysis of Iraq’s intentions and future WMD programmes, and decision-making in Saddam Hussein’s regime. The report was “unlikely to focus on whether Iraq has disarmed, which was of course UNMOVIC’s focus”.

782. Mr Howard also wrote that:

- The ISG was “likely to survive” to deal with other tasks after the release of its “final report” on WMD.
- The UK had “benefited considerably” from having the ISG Deputy Commander post.
- Deteriorating security in Iraq had impeded the ISG’s effectiveness. The UK continued to fulfil its duty of care to staff and would monitor closely the post-transfer of sovereignty security situation.

783. At No.10’s request, Mr Dowse prepared an update on the ISG on 21 May.⁴³⁶

784. Mr Dowse covered much the same ground as Mr Howard. He wrote:

- ISG planning since March had been hampered significantly by poor security throughout Iraq, high staff turnover, difficulty in filling posts and some equipment shortages.
- A major part of current ISG activity was “combating the efforts of insurgent networks to develop and use chemical weapons against Coalition forces”.

⁴³⁴ Op ROCKINGHAM Weekly No.41, 2-7 April 2004.

⁴³⁵ Letter Howard to Scarlett, 13 May 2004, ‘Iraq: Future of the Iraq Survey Group (ISG)’.

⁴³⁶ Minute Dowse to Quarrey, 21 May 2004, ‘Iraq Survey Group’.

The ISG believed insurgent groups were “looking to draw on the knowledge and experience of people previously engaged with Iraq’s CW programme”, although the scale of that effort was “unclear”. The use of mustard and sarin artillery shells in two recent improvised explosive devices was “not a reliable indicator”. Those using the weapons were “probably unaware of their nature”. The rounds were in “a very poor condition and almost certainly part of Iraq’s pre-1991 stockpile”.

- Two consistent themes were emerging from the debriefing of HVDs:
 - “CW was used in the Iran-Iraq war, but remaining stocks had been destroyed in 1991, without records”; and
 - after 1991 Saddam Hussein was “determined to maintain scientific expertise for post-sanctions reconstruction of WMD programmes”.
- The US had stated that the ISG mission would not change after 30 June, the end of the CPA, but Maj Gen Dayton would be replaced by a one-star US Marine Corps officer.
- The next report would be the ISG’s last. Mr Duelfer’s aim was to have a draft ready by the end of June, to be worked on during July and released in August. It was likely to focus on:
 - “Iraqi contravention of sanctions in the procurement of goods that could be used to support WMD programmes”;
 - diversion of OFF funds; and
 - a broader picture of the regime’s “strategic intent” towards WMD.

785. In his note to No.10 officials on 23 May, Mr Blair wrote in relation to the ISG that it:

“... seems to be doing nothing. Surely it is absurd that they will say nothing is found, though there was strategic intent; when, in reality, they have been unable to look. They need to leave actual WMD an open issue. Also can I have an assessment of the conventional stockpiles in Iraq at the end of the war.”⁴³⁷

786. In response to the update from Mr Dowse, Mr Blair commented:

“... the ISG should not just conclude that there was strategic intent but no WMD were found, when it is clear that they have been unable to look. They need to leave WMD as an open issue.”⁴³⁸

787. No.10 asked the “JIC/MOD” for advice on how to get the result Mr Blair wanted.

788. In his discussion with President Bush on 26 May (see Section 9.2), Mr Blair stated that the ISG should not be forgotten and that proper reporting on what it was up to was needed.⁴³⁹

⁴³⁷ Note Blair to Powell, 23 May 2004, ‘Iraq Note’.

⁴³⁸ Letter Quarrey to Owen, 24 May 2004, ‘Iraq’.

⁴³⁹ Letter Quarrey to Owen, 26 May 2004, ‘Iraq: Prime Minister’s VTC with Bush, 26 May’.

789. Mr Duelfer called on Mr Scarlett and Mr Tony Pawson, Mr Howard's successor as DCDI, on 28 May.⁴⁴⁰ Mr Scarlett reported the main points from both discussions to Sir Nigel Sheinwald:

- ISG work. Interviews with HVDs, including Saddam Hussein, remained a priority but were yielding little specific information. The ISG was still trying to establish whether there were specific Iraqi policies to maintain or develop industrial capacity with an embedded or inherent WMD production capability. High priority was being given to work on terrorists' and insurgents' capacity to obtain or produce WMD for immediate use.
- ISG status. Mr Tenet had assured Mr Duelfer that the ISG's status would not change while Mr Duelfer remained in charge. For legal purposes, after 30 June the ISG would have to fall under the remit of the Multi-National Force – Iraq (MNF-I). Day-to-day operational command should remain with CENTCOM.
- ISG report. Mr Duelfer envisaged that a first draft would be ready by June but a final text would "not be ready until August". This would be a "comprehensive" report, but not a "final" one. It would have much to say on regime intent and would make clear many questions remained open. Mr Duelfer would not commit to specific dates for publication or his departure from the ISG.
- Management. Mr Duelfer was anxious to work with the UK. He was open to comments and views on content and presentation, but was clear that the report would be his own. Mr Pawson and Mr Dowse would stay in close touch with Mr Duelfer and Washington.
- Release of HVDs. There was concern that, with the release of most HVDs before 30 June, some might go to the press to allege mistreatment and press the case that WMD had never existed. There was a danger that could undermine the authority of the ISG report.

790. In his memoir, Mr Duelfer explained that support for the ISG was at its highest during June 2004, in the weeks leading up to the transfer of sovereignty:

"ISG analysts developed new targeting packages ... Planning for a final pulse of raids was accelerated ... All the agencies in Washington and the military in the field understood the importance of getting to the bottom of the WMD question."⁴⁴¹

791. Maj Gen Dayton handed over command of the ISG to Brigadier General Joseph McMenamin on 12 June.⁴⁴²

792. Before his departure, Maj Gen Dayton discussed the future of the ISG with Mr Pawson. Mr Pawson reported to Mr Scarlett that, while some reconfiguring of the ISG

⁴⁴⁰ Minute Scarlett to Sheinwald, 3 June 2004, 'Iraq Survey Group: Update'.

⁴⁴¹ Duelfer C. *Hide and Seek: The Search for Truth in Iraq*. Public Affairs, 2009.

⁴⁴² Letter Pawson to Scarlett, 9 June 2004, 'Iraq: WMD: Future of the Iraq Survey Group'.

was inevitable with the release of HVDs, there was no reason to think that a separation of its component parts was imminent.

Mr Tenet's resignation

Mr Tenet announced his resignation as Director of Central Intelligence (DCI) on 3 June.⁴⁴³ Mr McLaughlin was appointed Acting Director.

Mr Tenet stepped down formally on 11 July.⁴⁴⁴

In his memoir, Mr Duelfer wrote:

“McLaughlin recognized my position and stepped in to make sure I was not left dangling. He would provide, as he had been all along, direct personal attention to the ISG on an almost daily basis”.⁴⁴⁵

793. On 6 June, the Security Council adopted resolution 1546 (2004) (see Section 9.2). The resolution welcomed the beginning of a new phase in Iraq's transition to a democratically elected government, and looked forward to the end of the Occupation by 30 June 2004.⁴⁴⁶

794. In operative paragraph (OP) 21, the Security Council decided that the prohibition on the sale and supply of arms to Iraq would “not apply to arms or related material required by the Government of Iraq or the multinational force to serve the purposes of this resolution”.

795. In OP22, the Council noted that OP21 did not affect material prohibited by or the obligations in paragraphs 8 and 12 of resolution 687 (1991) and paragraph 3(f) of resolution 707 (1991). It also reaffirmed “its intention to revisit the mandates” of UNMOVIC and the IAEA.

796. A letter from Secretary Powell to the President of the Security Council was annexed to the resolution. Secretary Powell confirmed that:

“... the MNF stands ready to continue to undertake a broad range of tasks to contribute to the maintenance of security and to ensure force protection. These include ... the continued search for and securing of weapons that threaten Iraq's security.”

797. On 24 June, Mr Douglas Feith, US Under Secretary of Defense for Policy, informed Mr Simon Webb, MOD Policy Director, of the post-30 June arrangements for the ISG.⁴⁴⁷ Resolution 1546 envisaged that the MNF-I would have the task of searching for and

⁴⁴³ *The New York Times*, 3 June 2004, ‘Time is Right to Move On’, *CIA Director Tells Employees*.

⁴⁴⁴ CIA News & Information, 8 July 2004, *CIA Director Honored at Farewell Ceremony*.

⁴⁴⁵ Duelfer C. *Hide and Seek: The Search for Truth in Iraq*. Public Affairs, 2009.

⁴⁴⁶ UN Security Council resolution 1546 (2004).

⁴⁴⁷ Minute Thornton to Policy Director, 24 June 2004, ‘Conversation with Doug Feith about the future of the ISG’.

securing weapons that threatened Iraq's security. The ISG would therefore move from CENTCOM to MNF-I command.

798. Mr Webb said that the UK would continue to support the ISG, though resources were strained. The problem would get worse in the autumn, when reductions of scale might be desirable.

799. Mr Webb also told Mr Feith that Mr Duelfer's report would be "a significant political event in the UK", in which Mr Blair took a personal interest. The UK looked forward to seeing a draft in advance.

800. Control of the ISG transferred from CENTCOM to the MNF-I after the transfer of sovereignty on 28 June.⁴⁴⁸

801. At the end of June, the ISG comprised 1,787 personnel: 1,722 from the US, 54 from the UK and 11 from Australia.⁴⁴⁹

802. On 1 July, Mr Straw was advised that the only grounds for internment after 30 June should be "imperative reasons of security or criminal activity".⁴⁵⁰ FCO legal advice made clear that internment for intelligence exploitation alone was not sufficient. The British Embassy Washington had already been instructed to raise with the US UK concerns about the basis for continued US internments that did not fall into the two categories recognised by the UK.

803. The FCO stated that restrictions on the activities of UK personnel in the ISG were unlikely to affect its overall operational capability, but were likely to be unwelcome to the US military at a time when US and UK resources were under considerable pressure. There was a risk that, during a critical time for the preparation of the next ISG report, the UK might be fully involved only in the ISG's assessment work and missions compatible with UK policy.

804. The FCO also reported that Dr Ayad Allawi, the Iraqi Prime Minister, had expressed strong support for the ISG which he hoped would remain active for the next six months or so. There had not, however, been detailed discussions between the ISG and the Iraqi Interim Government (IIG) about how the ISG would operate. Prime Minister Allawi was reported to be "convinced that WMD will be found".

805. Mr Ehrman advised Mr Straw's Private Office:

"We pressed the US to address the future of ISG operations when SCR 1546 was being negotiated. They did not want to do so. Eventually they agreed to the phrase in [Secretary] Powell's letter ['the continued search for and securing of weapons that threaten Iraq's security'] ... The UK contingent makes up only 3% of the ISG's

⁴⁴⁸ Op ROCKINGHAM Daily, 29 June 2004.

⁴⁴⁹ Minute Smith to PS [FCO], 1 July 2004, 'Iraq – Detention Issues and the ISG'.

⁴⁵⁰ Minute Smith to PS [FCO], 1 July 2004, 'Iraq – Detention Issues and the ISG'.

strength. Its activities will now need to be circumscribed ... This will be unwelcome to the US but that is the consequence of the arrangements put in place by 1546.”⁴⁵¹

806. The Op ROCKINGHAM weekly update of 1 July reported that:

- The UK element of the ISG had withdrawn from all debriefing activity while discussions continued on the legal basis for future ISG operations.
- Prime Minister Allawi had nominated Dr Mowaffak al-Rubaie, his National Security Adviser, as the IIG point of contact for the ISG.⁴⁵²

The Butler and Senate Intelligence Committee Reports, July 2004

807. In a Note for President Bush on 16 June, Mr Blair stated that the truth on Iraq’s WMD was probably that Saddam Hussein:

“ ... was developing long range ballistic missile capability in breach of UN resolutions; he probably had no or no large stockpiles of tactical CW or BW weapons; but he retained the capability and expertise to recommence production as soon as he could, again in breach of UN resolutions.”

808. Mr Blair’s “hunch” was that the Butler Review would reach similar conclusions. Both Lord Butler and the Senate Intelligence Committee were “bound to be critical ... in certain respects”.

809. On 16 June, Sir Nigel Sheinwald sent Dr Rice a Note written by Mr Blair for President Bush about the need for a strategic plan for Iraq (see Section 9.2).⁴⁵³

810. In relation to the need “to deal with any WMD/intelligence issues”, Mr Blair wrote that he remained “deeply concerned” about WMD:

“The public need an explanation and there will linger a real trust/truth issue ...

“At present the public debate lurches between the two extremes: pro-war people insist the intelligence was right, but the plain fact is no WMD has been found; anti-war people claim it was all a fraud, as if Saddam never really had any WMD, which is plainly fatuous ... [T]he ISG thinking, and probably the truth, is somewhere in between. He was developing long range ballistic missile capability in breach of UN resolutions; he probably had no or no large stockpiles of tactical CW or BW weapons; but he retained the capability and expertise to recommence production as soon as he could, again in breach of UN resolutions. And, of course, with the missile capability, he could fit any warhead he wanted at the appropriate time.

⁴⁵¹ Manuscript comment Ehrman, 2 July 2004, on Minute Smith to PS [FCO], 1 July 2004, ‘Iraq – Detention Issues and the ISG’.

⁴⁵² Op ROCKINGHAM Weekly No.53, 25 June – 1 July 2004.

⁴⁵³ Letter Sheinwald to Rice, 16 June 2004, [untitled], attaching [Blair to Bush] Note.

So he had strategic intent and capability on WMD; and an active programme on ballistic missiles.

“Such an explanation would mean that some of the intelligence upon which we acted was wrong; but that nonetheless the threat was there, as was the breach of UN resolutions. It would also explain why the picture was so confused and why, whilst the exact basis of action was not as we thought, the action was still justified.”

811. Mr Blair’s “hunch” was that the Butler Review would reach similar conclusions. Both Lord Butler and the Senate Intelligence Committee were “bound to be critical ... in certain respects”. But the US and UK had “to avoid the absurd notion that therefore there was no threat at all, as if 12 years of history and UN resolutions never existed”.

812. Mr Blair suggested that, if Mr Duelfer were thinking along those lines, it made sense urgently to investigate the possibility of publishing the ISG report at the same time as the Senate and Butler Reports. That would “provide the clear evidential basis for saying there was indeed a threat, even if it was not the threat that had been anticipated”.

813. Mr Blair added:

“It may be impossible but if at all possible we should have this issue dealt with and lanced all at the same time.”

814. During a video conference with President Bush on 22 June, Mr Blair said that Mr Duelfer seemed to be planning to publish in August. That was up to him, but with other WMD reports due to be published earlier, it might make sense to bring the date forward.⁴⁵⁴

815. Reporting on a meeting in London on 2 July, Mr Landsman wrote that Mr Duelfer had been insistent that there was still plenty for ISG to do and that he had “repeatedly mentioned CW/terrorism”.⁴⁵⁵

816. Mr Duelfer was reported to have said:

- The timing for his next report “could slip a little”.
- There was “potentially a good story to tell on the Saddam regime strategic intent”, but he was “unhappy about the quality of the drafting produced in the ISG”.
- He “wanted to use his report to challenge assumptions”.
- Saddam Hussein’s regime was “highly arbitrary and personalised: we should not expect to find carefully set out plans and consultation exercises”.
- He “hoped to be able to point to a ‘sharp breakout capability’”.

⁴⁵⁴ Letter Quarrey to Owen, 22 June 2004, ‘Prime Minister’s VTC with Bush, 22 June: Iraq’.

⁴⁵⁵ Minute Landsman to FCO [junior official], 5 July 2004, ‘Iraq WMD: Meeting with Duelfer, 2 Jul’.

- He was “surprised” by Prime Minister Allawi’s optimism that “WMD were there to be found”.
- UNMOVIC’s “excellent information base was ‘about an Iraq which no longer existed’”.
- “[W]e should begin to consider to what extent responsibility could eventually go to the Iraqis themselves”.
- A possible cache in Syria was “not out of the question”, but “Syria was ‘well covered’ and something should have come to light by now”.

817. Mr Blair discussed Iraq with President Bush again during a video conference on 6 July.

818. The briefing for Mr Blair advised that President Bush might raise the Butler and Senate Intelligence Committee Reports, but that there was “no point in pushing again on the ISG – Duelfer will not report before August and further pressure will not change this”.⁴⁵⁶

819. The record of the video conference between Mr Blair and President Bush on 6 July did not include any reference to discussion of the ISG or to the Butler and Senate Intelligence Committee Reports.⁴⁵⁷

Mr Blair’s evidence to the Liaison Committee, 6 July 2004

820. During his appearance before the Liaison Committee on 6 July, Mr Blair was asked about the implications of the failure to find WMD.⁴⁵⁸

821. In his responses, Mr Blair made a number of points, including:

- He had “to accept that we have not found them [stockpiles of WMD] and that we may not find them. What I would say very strongly, however, is that to go to the opposite extreme and say, therefore, that no threat existed from Saddam Hussein would be a mistake. We do not know what has happened to them; they could have been removed, they could have been hidden, they could have been destroyed.”
- The ISG had already indicated “quite clearly that there have been breaches” of UN resolutions.
- The purpose of military action “was in order to enforce” the UN resolutions.
- It was “absolutely clear from the evidence that has already been found ... that he [Saddam] had the strategic capability, the intent and that he was in multiple breaches”.

⁴⁵⁶ Minute Quarrey to Prime Minister, 6 July 2004, ‘VTC with President Bush, 6 July’.

⁴⁵⁷ Letter Quarrey to Owen, 6 July 2004, ‘Prime Minister’s VTC with Bush, 6 July: Iraq’.

⁴⁵⁸ Liaison Committee of the House of Commons, Session 2003-2004, *Oral evidence taken before the Liaison Committee on Tuesday 6 July 2004*, Qs 236-271.

- He genuinely believed “that those stockpiles of weapons were there; I think that most people did, and that is why the whole of the international community came together and passed the United Nations resolution it did [1441 adopted in November 2002], but that is a very different thing from saying that Saddam was not a threat; the truth is he was a threat, to the region and to the wider world, and the world is a safer place without him.”
- He “would not accept” that Saddam Hussein “was not a threat and a threat in WMD terms”.
- He did “not believe we would have got the progress on Libya, on AQ Khan, on Iran and on North Korea” without Iraq.
- In his view, “the reason ... it was important that we took a stand on the WMD issue, and the place ... to take that stand was Iraq because of the history of breaches of UN resolutions and the fact that they used WMD ... is that if you carry on with this proliferation of WMD with these highly repressive states developing it ... at some point you would have this new form of global terrorism and those states with WMD coming together.”

The Senate Intelligence Committee Report, 9 July 2004

822. On 9 July, the Senate Committee on Intelligence published its report on the *U.S. Intelligence Community’s Prewar Intelligence Assessments on Iraq*.⁴⁵⁹ The main conclusions included:

- Most of the key judgements in the October 2002 US National Intelligence Estimate (NIE), ‘Iraq’s Continuing Programs for Weapons of Mass Destruction’, either overstated, or were not supported by, the underlying intelligence reporting. A series of failures, particularly in analytic tradecraft, led to the mischaracterisation of the intelligence.
- The intelligence community did not accurately or adequately explain to policy-makers the uncertainties behind the judgements in the October 2002 NIE.
- The intelligence community suffered from a collective presumption that Iraq had an active and growing WMD programme. This “group think” led intelligence community analysts, collectors and managers both to interpret ambiguous evidence as conclusively indicative of a WMD programme and to ignore or minimise evidence that Iraq did not have active and expanding weapons of mass destruction programmes. This presumption was so strong that formal mechanisms established to challenge assumptions and group think were not used.

⁴⁵⁹ Select Committee on Intelligence, 9 July 2004, *Report of the Select Committee on Intelligence on the U.S. Intelligence Community’s Prewar Intelligence Assessments on Iraq*.

- In a few significant instances, the analysis in the NIE suffered from a “layering” effect, with assessments built on previous judgements without carrying forward the uncertainties of the underlying judgements.

823. Between September 2006 and June 2008, the Senate Intelligence Committee published additional detail on many of the issues addressed in the July 2004 Report.⁴⁶⁰ The five parts of its “Phase II” Report covered the expanded investigation into pre-conflict intelligence announced by the Committee in February 2004:

- ‘The Use by the Intelligence Community of Information Provided by the Iraqi National Congress’ (September 2006);
- ‘Postwar Findings About Iraq’s WMD Programs and Links to Terrorism and How They Compare With Prewar Assessments’ (September 2006);
- ‘Prewar Intelligence Assessments about Postwar Iraq’ (May 2007);
- ‘Report on Whether Public Statements Regarding Iraq by US Government Officials Were Substantiated by Intelligence Information’ (June 2008);
- ‘Report on Intelligence Activities Relating to Iraq Conducted by the Policy Counterterrorism Evaluation Group and the Office of Special Plans Within the Office of the Under Secretary of Defense for Policy’ (June 2008).

CIG Assessment, 13 July 2004: ‘A Review of Intelligence on Possible Links Between Al Qaida and Saddam’s Regime’

On 13 July, at the request of the Cabinet Office, the CIG produced an Assessment reviewing the links between Al Qaida and Saddam Hussein’s regime.⁴⁶¹

The Key Judgements were:

- “Nothing we have learnt since the fall of Saddam Hussein’s regime has invalidated previous JIC judgements on the possible links between the regime and Al Qaida.
- There were some contacts between the regime and Al Qaida during the 1990s, but they did not progress beyond the exploratory stage and the degree of practical co-operation, if any, was limited.
- Some sources ... asserted that Al Qaida was seeking chemical and biological (CB) expertise. But the intelligence is not strong. Al Qaida did not receive CB material from Iraq.
- Saddam Hussein’s regime was not involved with the 9/11 attacks.
- Al Qaida associates such as [Abu Musab] al-Zarqawi and members of Ansar al-Islam were known by the regime to be operating in Iraq and the Kurdish Autonomous Zone (KAZ) before Coalition action in 2003, but the exact relationship between the regime and Al Qaida-linked terrorists remains unclear.

⁴⁶⁰ US Senate Select Committee on Intelligence, 5 June 2008, *Senate Intelligence Committee Unveils Final Phase II Reports on Prewar Iraq Intelligence*.

⁴⁶¹ CIG Assessment, 13 July 2004, ‘A Review of Intelligence on Possible Links Between Al Qaida and Saddam’s Regime’.

- Al-Zarqawi made Iraq his base for jihad on his own initiative, but with plans in line with the Al Qaida global jihadist agenda.”

The additional points in the Assessment included:

Pre 9/11

- After its defeat in 1991, the Iraqi regime “sought to make contact with a number of Islamist groups”.
- “Senior Al Qaida detainees have revealed that Bin Laden was personally against any formal alliance with the Iraqi regime, but that others ... believed some contact would be useful.”
- The exact nature of early contacts remained “unclear”.
- Intelligence indicated that “further contacts took place in the late 1990s”.
- There was doubt about the reliability of some of the reporting, but “sufficient intelligence to assess there was some contact throughout the 1990s”.

Post 9/11

- After the fall of the Taliban in Afghanistan, “reports suggested that Iraq was being used as a transit route for Islamist terrorists”, and: “By 2002 Al Qaida-linked terrorists had established a presence ... some involved in the development of CB substances at a facility near Halabjah, run by Ansar al-Islam.”
- It was “likely that the regime knew these Islamist terrorists were operating in Iraq, though it would not have been able to act against them in the KAZ”.
- “Post war intelligence” suggested that “in Baghdad and elsewhere some effort ... was made to arrest Al Qaida-linked terrorists”.

The Butler Report, 14 July 2004

824. In its meeting on 7 July, the JIC discussed the forthcoming publication of the Butler Report.⁴⁶² Sir David Omand stated that it “would be the first time that such an extensive list of JIC reports had been made public”. It was “in the JIC’s interests that the Report showed that the right kind of warnings” had been given, and that “there was a depth to the intelligence and assessment on Iraq”. There were, however, “serious security implications” and the danger of setting precedents. Redactions to the extracts from JIC Assessments would need to be agreed before publication.

825. The Butler Report was published on 14 July.⁴⁶³

826. In the House of Commons, Mr Blair assessed the Report’s implications for two questions that had persisted throughout the debate on Iraq:

“One is an issue of good faith – of integrity. This is now the fourth exhaustive inquiry that has dealt with the issue. This Report, the Hutton Inquiry, the Report of

⁴⁶² Minutes, 7 July 2004, JIC meeting.

⁴⁶³ *Review of Intelligence on Weapons of Mass Destruction* [“The Butler Report”], 14 July 2004, HC 898.

the Intelligence and Security Committee before it, and that of the Foreign Affairs Committee before that, found the same thing. No one lied. No one made up the intelligence. No one inserted things into the dossier against the advice of the intelligence services. Everyone genuinely tried to do their best in good faith for the country in circumstances of acute difficulty. That issue of good faith should now be at an end.

“But there is another issue. We expected – I expected – to find actual usable chemical or biological weapons shortly after we entered Iraq ... Lord Butler, in his Report, says: ‘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.’ However, I have to accept that, as the months have passed, it has seemed increasingly clear that, at the time of invasion, Saddam did not have stockpiles of chemical or biological weapons ready to deploy. The second issue is therefore this: even if we acted in perfectly good faith, is it now the case that in the absence of stockpiles of weapons ready to deploy, the threat was misconceived and therefore the war was unjustified?

“I have searched my conscience ... to answer that question. My answer would be this: the evidence of Saddam’s weapons of mass destruction was indeed less certain and less well founded than was stated at the time ... However ... he retained complete strategic intent on WMD and significant capability ... He had no intention of ever co-operating fully with the inspectors, and he was going to start up again the moment the troops and the inspectors departed, or the sanctions eroded. I say further that if we had backed down in respect of Saddam, we would never have taken the stand that we needed to take on weapons of mass destruction, we would never have got the progress on Libya, for example, that we achieved, and we would have left Saddam in charge of Iraq, with every malign intent and capability still in place, and with every dictator with the same intent everywhere immeasurably emboldened.”⁴⁶⁴

827. Mr Blair commented on the Butler Report’s statement that:

“... with hindsight making public that the authorship of the dossier was by the JIC was a mistake. It meant that more weight was put on the intelligence than it could bear, and put the JIC and its chairman in a difficult position. It recommends in future a clear delimitation between Government and the JIC, perhaps by issuing two documents. I think this is wise, although I doubt that it would have made much difference to the reception of the intelligence at the time. The Report also enlarges on the criticisms of the ISC in respect of the greater use of caveats about intelligence both in the dossier and in my foreword, and we accept that entirely.

⁴⁶⁴ House of Commons, *Official Report*, 14 July 2004, column 1431.

“The Report also states that significant parts of the intelligence have now been found by the Secret Intelligence Service to be in doubt. The Chief of the SIS, Sir Richard Dearlove, has told me that it accepts all the conclusions and recommendations of Lord Butler’s Report that concern the Service. The SIS will fully address the recommendations that Lord Butler has made about its procedures and about the need for the Service properly to resource them. The Service has played and continues to play, a vital role in countering worldwide the tide of proliferation of weapons of mass destruction. Indeed, its successes are evident in Lord Butler’s Report.

“I accept the Report’s conclusions in full. Any mistakes should not be laid at the door of our intelligence and security community. They do a tremendous job for our country. I accept full personal responsibility for the way in which the issue was presented and therefore for any errors that were made.”⁴⁶⁵

828. The Inquiry cites the findings of the Butler Review at a number of points in Sections 4.1, 4.2 and 4.3 where they best illuminate the issues under discussion, rather than attempting to summarise them in one place. Those include:

- Findings relating to the intelligence underpinning individual JIC Assessments and the quality of those Assessments;
- Findings on the way in which intelligence and JIC Assessments were used to underpin public statements by the Government, and in particular the September 2002 dossier and statements to Parliament;
- Findings on the reporting issued in September 2002 about the production of chemical agent; and
- Findings on the serious doubts about other lines of reporting and the eventual withdrawal of that reporting, including reports about mobile facilities for the production of biological agent and the claim that chemical and biological munitions could be moved into place for an attack within 45 minutes.

The ISG Comprehensive Report, 6 October 2004

829. Mr Blair discussed the ISG Comprehensive Report with President Bush in late July.

830. Mr Blair stated to officials that the Comprehensive Report needed to indicate the degree of certainty that Iraq had not possessed WMD and how far the security situation in Iraq had affected the search.

831. Officials warned of the need to avoid any repeat of allegations that the UK had exerted improper pressure on the preparation of the previous ISG report.

⁴⁶⁵ House of Commons, *Official Report*, 14 July 2004, column 1435.

832. Mr Blair raised the ISG report during a video conference with President Bush on 22 July.⁴⁶⁶ He said that Mr Duelfer needed to prove that Saddam Hussein had been “procuring the means to develop WMD, had missiles to deliver it, and the intent to use it”. The ISG report could prove to be a powerful argument in support of the war.

833. Mr Blair suggested that, with the ISG report and the Butler Review, which had made clear that Al Qaida had been present in Iraq, “we could clearly argue that it would have been wrong to let Saddam go unchecked”. The timing of the ISG report had to be right. Sir Nigel Sheinwald noted that early September looked realistic.

834. Mr Dowse discussed the ISG report with Mr Duelfer at a meeting hosted by the US Embassy in London on 31 August.⁴⁶⁷ Mr Duelfer stated that he did not expect the report to satisfy those wanting evidence of WMD, but thought it would disappoint those who said that sanctions and containment had been working. There would be plenty of very clear evidence that Iraqi abuse of OFF had allowed the regime to siphon off “huge amounts” of money.

835. Mr Dowse reported that it was Mr Duelfer’s “firm intention” to deliver the report to Mr McLaughlin by the end of September in a form suitable for immediate publication. A draft should be ready for review by governments in Washington, London and Canberra in about two weeks.

836. Mr Blair commented that Mr Duelfer needed:

“... a conclusion on WMD weapons themselves. How clear is it that they didn’t exist; is it an open question; how has the security situation post May 03 & now affected the search? He will need answers to this.”⁴⁶⁸

837. Mr Dowse responded on 10 September. The UK had not seen the latest text, but Mr Duelfer was expected to say that:

- the ISG had “not been able to determine conclusively whether Saddam possessed WMD in 2003”; and
- the likelihood was that “even if some did exist, they were not of military significance”.⁴⁶⁹

838. Mr Dowse reported that Mr Duelfer remained “extremely (and rightly) sensitive” to leaks of the report before publication, and particularly to any suggestion that he may be influenced by Washington or London. Mr Dowse advised: “we must avoid a repeat of the allegations that HMG exerted improper pressure on the last report”.

⁴⁶⁶ Letter Phillipson to Adams, 22 July 2004, ‘Prime Minister’s VTC with President Bush, 22 July: Iraq and MEPP’.

⁴⁶⁷ Minute Dowse to Ehrman, 31 August 2004, ‘Next Iraq Survey Report’.

⁴⁶⁸ Manuscript comment Blair on Minute Dowse to Ehrman, 31 August 2004, ‘Next Iraq Survey Report’.

⁴⁶⁹ Minute Dowse to Phillipson, 10 September 2004, ‘Next Iraq Survey Group Report’.

839. The JIC Sub-Committee on Iraq/WMD, chaired by Mr Ehrman, who took up his appointment as Chairman of the JIC at the end of August, discussed Mr Duelfer's draft Comprehensive Report on 17 September.⁴⁷⁰

840. The meeting was also informed that Washington planned to reduce the size of the ISG in Baghdad, culminating in its merger with MNF-I. During the drawdown period it could follow up a number of lines "including reporting on the chemical laboratory network and links with Syria".

841. Mr Ehrman reported to Sir Nigel Sheinwald that the DIS had received five of the six chapters of the draft Comprehensive Report, which would be considered for factual accuracy and intelligence source protection.⁴⁷¹ Mr Duelfer had made it clear he would not accept any attempt to alter the judgements in the Report. Mr Ehrman stated that no such attempts were being made.

842. Mr Ehrman explained that the JIC was:

"... preparing a table showing key conclusions set against what the dossier and JIC assessments said before the war ... [T]he headline points can be summarised as follows:

a) Strategic intent

Duelfer concludes that Saddam wanted to recreate Iraq's WMD capability after sanctions were removed. Though there was no formal written strategy or plan for this, the ISG say they have clear evidence of his intent to do it. Saddam aspired to develop a nuclear capability but intended to focus on ballistic missile and tactical CW capabilities.

Iraq never intended to meet the spirit of the UNSC's resolutions ... By mid-2000 elements within Saddam's regime boasted that the UN sanctions regime was slowly eroding.

b) WMD capabilities

Duelfer judges that Iraq's WMD capability was mostly destroyed in 1991 ...

Saddam's perceived requirement to bluff about WMD ... made it too dangerous to reveal this to the international community ...

Duelfer says that the ISG has not judged conclusively whether or not Saddam possessed WMD in 2003 ...

⁴⁷⁰ Minutes, 17 September 2004, JIC Sub-Committee on Iraq/WMD meeting.

⁴⁷¹ Minute Ehrman to Sheinwald, 17 September 2004, 'Iraq Survey Group (ISG) Report'.

c) CW

... There are no indications that Baghdad resumed production of chemical munitions [after 1991] ...

... the Iraqi Intelligence Service maintained from 1991 to 2003 a set of undeclared covert laboratories to research and test various chemicals and poisons, primarily for intelligence operations ...

The ISG judges that Iraq had a capability to produce large quantities of sulphur mustard agent within three to six months.

d) Nuclear

Saddam ended the nuclear programme in 1991. The ISG found no evidence to suggest concerted efforts to restart the programme ...

The ISG has uncovered no information to support allegations of Iraqi pursuit of uranium from abroad in the post-Operation Desert Storm era ...

e) Delivery systems

The ISG has uncovered no evidence that Iraq retained SCUD-variant missiles (ie Al Husseins) ...

... The ISG assesses that Saddam clearly intended to reconstitute long range delivery systems and that the systems were potentially for WMD.

The ISG has substantial documentary evidence and source reporting indicating that the regime intentionally violated various international resolutions and agreements in order to pursue its delivery systems programmes."

843. Mr Ehrman recommended that the Government's public lines on the Comprehensive Report should focus on:

- the Report's confirmation of Saddam Hussein's breaches of resolution 1441;
- Saddam Hussein's strategic intent to reconstitute his WMD when sanctions were lifted; and
- the conclusion that sanctions and therefore containment were becoming progressively less effective.

844. Mr Ehrman advised that many of the ISG's points had already been covered in the Butler Report, but the ISG's "central judgement, that Iraq's WMD capability was essentially destroyed in 1991 and not reconstituted by March 2003", was "firmer than the judgement Lord Butler had reached".

845. On 21 September, Mr Ehrman informed Sir Nigel Sheinwald that the UK had received the final, BW, chapter of the draft Comprehensive Report.⁴⁷² He explained that the JIC had also been able to look at the detail of the section on illicit finance and procurement.

846. Mr Ehrman wrote that, on BW:

- The ISG judged that Iraq appeared “to have destroyed its undeclared stocks of BW agent”, but it lacked “evidence to document complete destruction”.
- “Iraq retained some BW-related seedstocks until their discovery after Operation Iraqi Freedom.”
- After Operation Desert Storm, in 1991, Iraq “sought to save what it could of its BW infrastructure and covertly to continue BW research, as well as to hide evidence of that and earlier efforts”.
- The ISG judged that Iraq “abandoned its existing BW programme, destroying the facility at al Hakam” when the Iraq economy was “at rock bottom in 1995”.
- The ISG had “found no direct evidence that Iraq, after 1996, had plans for a new BW programme or was conducting BW-specific work for military purposes”.
- The ISG judged that BW applicable research since 1996 “was not conducted in connection with the development of a BW programme”.
- “The Iraqi intelligence service had a series of laboratories that conducted biological work including research into BW agents for assassination purposes until the mid-1990s.” Experiments had been conducted on human beings, who died, but there was “no evidence to link these tests with the development of BW”.
- “In spite of exhaustive investigation”, the ISG had “found no evidence that Iraq possessed or was developing, BW agent production systems mounted on road vehicles or railway wagons”.
- The ISG judged that “the two trailers captured in 2003” were “almost certainly designed and built exclusively for the generation of hydrogen”.
- The ISG judged that “Iraq could have re-established an elementary BW programme within a few weeks to a few months of a decision to do so, but it has discovered no indications that the regime was pursuing such a course”.

847. On illicit finance and procurement, Mr Ehrman reported that the findings included:

- Private companies from Jordan, India, France, Italy, Romania and Turkey appeared to have engaged in possible WMD-related trade with Iraq.
- The Governments of Russia, Syria, Belarus, North Korea, the Federal Republic of Yugoslavia and Yemen directly supported or endorsed private companies’

⁴⁷² Minute Ehrman to Sheinwald, 21 September 2004, ‘Iraq Survey Group (ISG) Report’.

efforts to assist Iraq with conventional arms procurement, in breach of UN sanctions.

- The Governments of Jordan, China, India, South Korea, Bulgaria, Ukraine, Cyprus, Egypt, Lebanon, Georgia, France, Poland, Romania and Taiwan allowed private and/or state-owned companies to support Iraq's conventional arms procurement programmes.
- The number of countries supporting Iraq's schemes to undermine sanctions increased dramatically between 1995 and 2003.
- A number of bilateral trade agreements with "neighbouring" countries, including Jordan, Syria, Turkey, Egypt and Yemen, eventually led to sanctions violations.
- France was one of the top three countries with companies or individuals receiving secret oil vouchers.
- There was a significant amount of captured documentation showing contracts between Iraq and Russian companies "close to government".

Mr Blair's speech to the Labour Party conference, 28 September 2004

In his speech to the Labour Party conference on 28 September, Mr Blair raised the issue of trust and the decisions he had made on future security in the preceding three years.⁴⁷³ Mr Blair said that he wanted to deal with the issue of Iraq "head on". He stated:

"The evidence about Saddam having actual biological and chemical weapons, as opposed to the capability to develop them, has turned out to be wrong.

"I acknowledge that and accept it.

"I simply point out, such evidence was agreed by the whole international community, not least because Saddam had used such weapons against his own people and neighbouring countries.

"And the problem is, I can apologise for the information that turned out to be wrong, but I can't, sincerely at least, apologise for removing Saddam.

"The world is a better place with Saddam in prison not in power."

Mr Blair challenged the "belief that the basic judgement I have made since September 11th [2001], including on Iraq, is wrong, that by our actions we have made matters worse not better". He acknowledged that the issue had "divided the country", but set out his view of the need to deal with the threat from the "wholly new phenomenon of worldwide global terrorism", including in Iraq, and the importance of the alliance with the US.

⁴⁷³ BBC News, 28 September 2004, *Full text of Blair's Speech*.

848. On 28 September, Mr Ehrman sent Sir Nigel Sheinwald draft “lines to take” on the ISG Comprehensive Report, excluding the section on illicit finance and procurement, which Mr Duelfer was reported to be rewriting.⁴⁷⁴

849. Mr Ehrman proposed that the focus should be on the three themes he had identified in earlier minutes:

- Saddam’s strategic intent to reconstitute his WMD when sanctions were lifted;
- his repeated breaches of Security Council resolutions, including 1441;
- the ISG conclusions on the progressive erosion of sanctions.”

850. Mr Ehrman added:

“The lines to take also seek to deal with the main point which many will make (put crudely ‘no WMD’) – mainly by reference to Lord Butler’s conclusions. We will be asked: ‘Do you endorse/accept the ISG Report?’ I recommend that we stick to the reference back to Butler, whose conclusions were very close to the ISG’s, and to the fact that the Government accepted these. We cannot go further because we do not accept Duelfer’s conclusion on uranium and Niger, which is the opposite of Butler’s. Nor has Duelfer in most cases made clear the full reasoning behind his conclusions.”

851. Mr Ehrman sent a further update on 1 October, explaining that the chapter on procurement was still being worked on.⁴⁷⁵

852. Mr Anthony Phillipson, Mr Blair’s Private Secretary for Foreign Affairs, sent Mr Blair a minute on developments later the same day.⁴⁷⁶ Formal publication of the ISG Comprehensive Report would be at 1500 UK time on 6 October. The US Government would brief the US press at 1900 UK time on 5 October. The FCO was leading on UK press handling and intended to take “a low-key, defensive, approach”. It was not a UK report and there would be no UK pre-briefing. Mr Straw would issue a Written Statement.

853. Mr Phillipson wrote that Mr Blair would:

“... want to discuss this on Monday [4 October], particularly if you want to take a more proactive approach to get across the positive aspects of the Report regarding Saddam’s strategic intent to develop WMD.”

854. Mr Phillipson added that the US had decided that there would be two printed versions of the Comprehensive Report, not one:

- a “not for publication” version for Congress and the US Government; and
- an online version with references to US companies and individuals excised for legal reasons.

⁴⁷⁴ Minute Ehrman to Sheinwald, 28 September 2004, ‘Iraq Survey Group (ISG) Report’ attaching Paper [unattributed], [undated], ‘Duelfer’s Comprehensive Report: Lines to Take’.

⁴⁷⁵ Minute Ehrman to Sheinwald, 1 October 2004, ‘Iraq Survey Group (ISG) Report’.

⁴⁷⁶ Minute Phillipson to Prime Minister, 1 October 2004, ‘ISG Report: Publication’.

855. Mr Phillipson wrote that the US Government had rejected Mr Duelfer's argument that it should be sufficient to issue a disclaimer stating that naming companies in the Report was not an indication of guilt or complicity; a published official CIA report could not mention named US individuals or entities. The UK had pressed for the exclusion of all such references, but the US position was that the legal restriction did not apply to non-US entities. Presentationally, that approach was better than removing only US and UK names; it emphasised that it was not the UK's report.

856. The other issue still to be addressed was the withdrawal of intelligence used before the invasion to support assessments about Iraqi WMD programmes. No.10 was discussing handling, including informing the ISC, with SIS.

857. Sir Nigel Sheinwald and Dr Rice discussed the ISG Comprehensive Report on 4 October.⁴⁷⁷ Sir Nigel said that there had been good co-ordination between the US and UK. He set out Mr Blair's view on handling: the failure to find WMD stockpiles it should be presented as "yesterday's story" and the media should be encouraged to focus on the new material about strategic intent, concealment and sanctions busting.

858. Mr Blair raised the ISG Comprehensive Report with President Bush during a video conference on 5 October.⁴⁷⁸

859. Mr Blair's brief for the conversation suggested that he tell President Bush that the UK was focusing on the positive aspects of the ISG Report rather than the lack of WMD.⁴⁷⁹

860. During his wider discussion with President Bush on Iraq on 5 October (see Section 9.3), Mr Blair stated that the ISG Report "showed that Saddam had a clear strategic intent to develop WMD" and that "terrorists had now chosen to make Iraq the battleground".⁴⁸⁰ It would be naive to say that Iraq had been stable and non-threatening before March 2003 and would still be so if no action had been taken. Mr Blair concluded that:

"We needed to focus on the fact that sanctions had not been working, Saddam had strategic intent to rebuild his capability, and even if he had no deployable weapons, the enforcement regime wasn't working and Saddam was gearing up for when it was removed. We had to focus on the whole story."

861. The ISG Comprehensive Report was published on 6 October 2004.

⁴⁷⁷ Letter Sheinwald to Adams, 4 October 2004, 'Conversation with US National Security Adviser, 4 October'.

⁴⁷⁸ Letter Phillipson to Adams, 5 October 2004, 'Prime Minister's VTC with President Bush, 5 October: US Elections, Iraq, Iran, MEPP'.

⁴⁷⁹ Minute Phillipson to Prime Minister, 4 October 2004, 'VTC with President Bush, 5 October'.

⁴⁸⁰ Letter Phillipson to Adams, 5 October 2004, 'Prime Minister's VTC with President Bush, 5 October: US Elections, Iraq, Iran, MEPP'.

862. In the ‘Scope Note’ introducing *The Comprehensive Report of the Special Advisor to the DCI on Iraq’s WMD* (the ISG Comprehensive Report), Mr Duelfer stated that the Report covered the ISG’s findings between June 2003 and September 2004.⁴⁸¹ Since there remained “the possibility (though small) of remaining WMD”, reports of WMD-related material in the future would continue to be investigated.

863. The Comprehensive Report was divided into six sections, each opening with a summary of key findings.⁴⁸² Those included:

Regime Strategic Intent:

- **“Saddam Hussein so dominated the Iraqi regime that its strategic intent was his alone. He wanted to end sanctions while preserving the capability to reconstitute his weapons of mass destruction (WMD) when sanctions were lifted.”**
- **“Saddam wanted to recreate Iraq’s WMD capability – which was essentially destroyed in 1991 – after sanctions were removed and Iraq’s economy stabilized, but probably with a different mix of capabilities to that which previously existed. Saddam aspired to develop a nuclear capability – in an incremental fashion, irrespective of international pressure and the resulting economic risks – but he intended to focus on ballistic missile and tactical chemical warfare (CW) capabilities.”**

Regime Finance and Procurement:

- “Saddam directed the regime’s key ministries and governmental agencies to devise and implement strategies, policies and techniques to discredit the UN sanctions, harass UN personnel in Iraq, and discredit the US. At the same time, according to reporting, he also wanted to obfuscate Iraq’s refusal to reveal the nature of its WMD and WMD-related programs, their capabilities, and his intentions.”
- “Iraq under Saddam successfully devised various methods to acquire and import items prohibited under UN sanctions ...”

Delivery Systems:

- **“Desert Storm and subsequent UN resolutions and inspections brought many of Iraq’s delivery programs to a halt.”**
- “While other WMD programs were strictly prohibited, the UN permitted Iraq to develop and possess delivery systems provided their range did not exceed 150km. This freedom allowed Iraq to keep its scientists and technicians

⁴⁸¹ Central Intelligence Agency, 30 September 2004, *The Comprehensive Report of the Special Advisor to the DCI on Iraq’s WMD*, Volume I, ‘Scope Note’.

⁴⁸² Central Intelligence Agency, 30 September 2004, *The Comprehensive Report of the Special Advisor to the DCI on Iraq’s WMD*.

employed and to keep its infrastructure and manufacturing base largely intact ... ***This positioned Iraq for a potential breakout capability.***

- ***“ISG uncovered Iraqi plans or designs for three long range ballistic missiles with ranges from 400 to 1,000km and for a 1,000km-range cruise missile, although none of these systems progressed to production and only one purportedly passed the design stage. ISG assesses that these plans demonstrate Saddam’s continuing desire – up to the beginning of Operation Iraqi Freedom (OIF) – for a long range delivery capability.”***
- ***“Procurements supporting delivery system programs expanded after the 1998 departure of the UN inspectors. Iraq also hired outside expertise to assist development programs.”***
- ***“... ISG assesses that Saddam clearly intended to reconstitute long range delivery systems and the systems potentially were for WMD.”***

Nuclear:

- ***“Iraq Survey Group (ISG) discovered further evidence of the maturity and significance of the pre-1991 Iraqi Nuclear program but found that Iraq’s ability to reconstitute a nuclear weapons program progressively decayed after that date.”***
- ***“In the wake of Desert Storm, Iraq took steps to conceal key elements of its program and to preserve what it could of the professional capabilities of its nuclear scientific community.”***
- ***“As with other WMD areas, Saddam’s ambitions in the nuclear area were secondary to his prime objective of ending UN sanctions.”***

Chemical:

- ***“Saddam never abandoned his intentions to resume a CW effort when sanctions were lifted and conditions were judged favourable ...”***
- ***“While a small number of old, abandoned chemical munitions have been discovered, ISG judges that Iraq unilaterally destroyed its undeclared chemical weapons stockpile in 1991. There are no credible indications that Baghdad resumed production of chemical munitions thereafter ...”***
- ***“The way Iraq organized its chemical industry after the mid-1990s allowed it to conserve the knowledge-base needed to restart a CW program ...”***
- ***“Iraq’s historical ability to implement simple solutions to weaponization challenges allowed Iraq to retain the capability to weaponize CW agent when the need arose ...”***

Biological:

- ***“ISG judges that Iraq’s actions between 1991 and 1996 demonstrate that the state intended to preserve its BW capability and return to a steady, methodical progress toward a mature BW program when and if the opportunity arose.”***

- ***“ISG found no direct evidence that Iraq, after 1996, had plans for a new BW program or was conducting BW-specific work for military purposes.”***
- ***“Nevertheless, after 1996 Iraq still had a significant dual-use capability – some declared – readily useful for BW if the regime chose to use it to pursue a BW program. Moreover, Iraq still possessed its most important BW asset, the scientific know-how of its BW cadre.”***
- ***“Depending on its scale, Iraq could have re-established an elementary BW program within a few weeks to a few months of a decision to do so, but ISG discovered no indications that the regime was pursuing such a course.”***
- ***“The IIS [Iraqi Intelligence Service] had a series of laboratories that conducted biological work including research into BW agents for assassination purposes until the mid-1990s. ISG has not been able ... to determine whether any of the work was related to military development of BW agent.”***

864. In his memoir, Mr Duelfer wrote:

“I [did not] want the Report to tell people what to think up front: There was no executive summary with a predetermined conclusion. The story of Iraq, sanctions, and WMD was too intricate for that: It deserved to be seen in its entirety, without single aspects being taken out of context.”⁴⁸³

The Government’s response to the ISG Comprehensive Report

865. In the House of Commons on 12 October, Mr Straw described the ISG Comprehensive Report as providing “chapter and verse as to why the policy of containment was not working”.

866. The following day, Mr Blair told the Commons:

“Those people who want to pray in aid the Iraq Survey Group in respect of stockpiles of weapons must also accept the other part of what the Iraq Survey Group said, which is that Saddam retained the intent and the capability ... and was in breach of United Nations resolutions. That is what Mr Duelfer expressly said.”

867. In the House of Commons on 12 October, Mr Straw stated:

“The [ISG] Report concludes that by the mid-1990s, Iraq was essentially free of weapons of mass destruction, but it goes on to describe a sophisticated and systematic campaign by Saddam Hussein to bring down the United Nations sanctions regime and to reconstitute his weapons programme.

...

⁴⁸³ Duelfer C. *Hide and Seek: The Search for Truth in Iraq*. Public Affairs, 2009.

“The Report provides chapter and verse as to why the policy of containment was not working.”⁴⁸⁴

868. At PMQs on 13 October, Mr Blair stated:

“We know from the Iraq Survey Group that he [Saddam Hussein] indeed had the intent and capability and retained the scientists and desire, but that he might not have had stockpiles of actually deployable weapons. We have accepted that and I have already apologised for any information that subsequently turned out to be wrong.

...

“Those people who want to pray in aid the Iraq Survey Group in respect of stockpiles of weapons must also accept the other part of what the Iraq Survey Group said, which is that Saddam retained the intent and the capability – the teams of scientists and so on – and was in breach of United Nations resolutions. That is what Mr Duelfer expressly said. It was the breach of UN resolutions and their enforcement that was and is the reason for going to war.”⁴⁸⁵

869. On 28 October, in response to a Written Parliamentary Question from Mr Llew Smith (Labour) asking for a list of the conclusions of the ISG Comprehensive Report with which the Foreign Secretary did not agree, Mr Denis MacShane, Foreign Office Minister, set out three principal areas of disagreement:

“The Iraq Survey Group (ISG) Report concludes that there is no evidence to suggest that Iraq sought to procure uranium from Africa in the 1990s. The Government continues to believe that credible evidence exists to support the assertion made in the September 2002 dossier. Lord Butler of Brockwell’s Review upheld that belief. The UK was not in a position to share all the intelligence on this issue with the ISG.

“The ISG also expressed doubt that the aluminium tubes referred to in the September dossier were evidence of a resumption of Iraq’s nuclear programmes. Again, Lord Butler’s Review assessed this, and concluded that the Joint Intelligence Committee were right to include reference to the tubes in the dossier and that it properly reflected doubts about the use of the tubes in the caution of its assessments. The Government fully accepts the findings of Lord Butler’s Review.

“The ISG also report that they found no evidence to support the claim in the dossier that Iraq ‘is almost certainly seeking an indigenous ability to enrich uranium’ based on gas centrifuge technology. They do, however, admit that elements of useful and relevant technologies were being developed.”⁴⁸⁶

⁴⁸⁴ House of Commons, *Official Report*, 12 October 2004, columns 151-152.

⁴⁸⁵ House of Commons, *Official Report*, 13 October 2004, column 278.

⁴⁸⁶ House of Commons, *Official Report*, 28 October 2004, column 1386W.

Closure of the ISG and Addendums to the Comprehensive Report

870. Mr Duelfer visited London on 15 October on his way back to Iraq.⁴⁸⁷ He told a DIS official that he expected to remain in Baghdad until about Christmas to work on the remaining unresolved issues, including cross-border movement into Syria.

871. In his memoir, Mr Duelfer described the energy for ISG activities as “almost completely extinguished”.⁴⁸⁸ Mr McLaughlin and the White House supported the idea of the ISG collecting more information to “close out the remaining uncertain issues”, including the reported movement of WMD to Syria before the invasion, but most ISG staff were now focused on the insurgency.

872. On 28 October, Op ROCKINGHAM reported that the ISG continued to investigate:

- remaining stocks of CBW agents;
- WMD infrastructure and associated individuals of concern; and
- the Syrian connection.⁴⁸⁹

873. The ISG was also revisiting priority WMD-related sites to document and secure equipment of proliferation concern.

874. On 8 November, two US military protection officers were killed in a convoy taking Mr Duelfer and his deputy to a meeting in Baghdad to discuss the Syrian connection.⁴⁹⁰ After the incident, the US instructed that all ISG data-gathering missions should stop.

875. Mr Duelfer left Baghdad on 16 December.⁴⁹¹

876. In April 2005, the ISG published additional material as Addendums to the Comprehensive Report.

877. On 23 December 2004, Mr Ehrman informed Sir Nigel Sheinwald that Mr Duelfer planned to publish a version of the Comprehensive Report with a number of new annexes, in the second half of January.⁴⁹² The UK had received four annexes for factual checking. The key points in the annexes included:

- Residual proliferation risks from people and equipment/materials. Mr Duelfer had concluded that the threat of proliferation of WMD skills beyond Iraq was “small”.
- The value of Iraqi detainees to the ISG investigation. If the US agreed to publication, this could cause the most interest. The draft annex stated that pre-conflict intelligence on people in the WMD programme was as inaccurate

⁴⁸⁷ Minute [DIS] to DCDI, 15 October 2004, ‘Iraq/ISG: Lunch with Charles Duelfer’.

⁴⁸⁸ Duelfer C. *Hide and Seek: The Search for Truth in Iraq*. Public Affairs, 2009.

⁴⁸⁹ Op ROCKINGHAM Weekly, No.70, 21-28 October 2004.

⁴⁹⁰ Op ROCKINGHAM Weekly No.74, 18-24 November 2004’.

⁴⁹¹ Duelfer C. *Hide and Seek: The Search for Truth in Iraq*. Public Affairs, 2009.

⁴⁹² Minute Ehrman to Sheinwald, 23 December 2004, ‘ISG Report on Iraq WMD’.

as intelligence on WMD infrastructure and was very critical of the US debriefing process.

- Residual pre-1991 stocks in Iraq. The ISG believed that any remaining chemical munitions did not pose a militarily significant threat to Coalition Forces. Iraq had “never successfully formulated” BW agents “for long term storage”. Any remaining BW agents thus posed little or no risk to Coalition Forces or civilians.
- Iraq’s Military Industrial Commission. Reports that Qusay Hussein had asked for a list of Iraqi BW experts to be compiled for him to pass to Syria and that an Iraqi computer hacker claimed to be able to hack into US military satellites might arouse some interest.

878. A fifth annex containing an outline plan for future investigation of possible WMD links with Syria was under consideration.

879. Mr Ehrman did not expect publication of the annexes to attract major media interest. He advised that the ISG would “effectively wind up” in January 2005, with responsibility for WMD issues passing to the MNF in Baghdad.

880. The ISG continued into 2005 as Mr Duelfer completed work, in Washington, on the Addendums to the September 2004 Comprehensive Report.⁴⁹³

881. On 25 February 2005, Mr Ehrman reported to Sir Nigel Sheinwald that the text had been sent to the printers and was expected to be published in early to mid-March.⁴⁹⁴ He explained that the final version included an additional one-page annex on possible pre-conflict movement of WMD out of Iraq. The ISG had been unable to rule out unofficial movement of limited WMD materials, but judged it unlikely that an official transfer had taken place.

882. Mr Ehrman attached draft press lines prepared by the FCO and the MOD. He advised that the main points remained unchanged:

- “Saddam had strategic intent to reconstitute Iraq’s WMD programmes when sanctions were lifted”.
- “Iraq repeatedly breached Security Council Resolutions, including 1441”.
- “[S]anctions were progressively eroding before the conflict”.

883. Mr Ehrman advised:

“If asked about the Report’s conclusion that, by the mid-1990s Iraq was essentially free of WMD, we will refer to the Prime Minister’s statement of 28 September 2004 in Brighton that ‘evidence about Saddam having actual BW and CW weapons, as opposed to the capability to develop them, has turned out to be wrong’.”

⁴⁹³ Op ROCKINGHAM Weekly No.94, 20-27 April 2005.

⁴⁹⁴ Minute Ehrman to Sheinwald, 25 February 2005, ‘ISG Report on Iraq WMD’ attaching Paper [MOD and FCO], [undated], ‘The Publication of the Iraq Survey Group Final Report’.

884. The DIS reported on 2 March that the ISG was to be deactivated by 18 April.⁴⁹⁵ It would be absorbed into the Combined Intelligence and Operations Centre (CIOC), which would retain WMD as a secondary role, after counter-insurgency and counter-terrorism.

885. Shortly before the eventual publication of the final edition of the Comprehensive Report on 25 April, Mr Ehrman sent Mr Sheinwald draft press lines, which had been sent to the US for “one last check” that they did not conflict with US lines.⁴⁹⁶

886. The main points included:

- “... [S]ix new addenda ... do not fundamentally alter the findings of the earlier Report”.
- “Government has already accepted the ISG conclusion that by the mid-1990s, Iraq was effectively free from WMD.”
- “But have set out repeatedly why existence or otherwise of WMD does not affect the legal basis for going to war.”

887. Mr Duelfer ceased to be Special Advisor to the DCI on 21 April.⁴⁹⁷

888. On 25 April, the final edition of the ISG Comprehensive Report, including six Addendums, was published by the US Government.⁴⁹⁸

889. The Addendums covered:

- ‘Prewar Movement of WMD Material Out of Iraq’. The ISG reported that declining security had halted the investigation and the results remained “inconclusive”. The ISG judged it “unlikely” that there had been an official transfer of WMD material from Iraq to Syria.
- ‘Iraqi Detainees: Value to Investigation of Iraq WMD and Current Status’. Detainees had provided “a vital primary source of information” on Iraq’s WMD programmes and the regime’s strategic intent.
- ‘Residual Proliferation Risks: People’. There remained a danger that hostile governments, terrorists or insurgents might seek Iraqi expertise. The number of individuals was small, but they remained “an important concern”.
- ‘Residual Pre-1991 CBW Stocks in Iraq’. The ISG assessed that small numbers of degraded pre-1991 chemical weapons would continue to be found, but did not pose “a militarily significant threat to Coalition forces”. Any biological agents that had survived would “probably have significantly decreased pathogenicity

⁴⁹⁵ Op ROCKINGHAM Weekly No.87, 23 February – 2 March 2005.

⁴⁹⁶ Minute Ehrman to Sheinwald, 21 April 2005, ‘ISG Report on Iraq WMD’ attaching Paper [unattributed], 21 April 2005, ‘The Publication of the Iraq Survey Group Final Report’.

⁴⁹⁷ Op ROCKINGHAM Weekly No.93, 13-20 April 2005.

⁴⁹⁸ US Government Publishing Office, 25 April 2005, *The Comprehensive Report of the Special Advisor to the DCI on Iraq’s WMD with Addendums*.

because Iraq never successfully formulated its biological agents for long-term storage.”

- ‘Residual Proliferation Risk: Equipment and Materials’. The ISG judged that Iraq’s remaining chemical and biological infrastructure did not pose a proliferation concern. Some potential nuclear-related dual-use equipment was missing, but the ISG had not established its “ultimate disposition”.
- ‘Iraq’s Military Industrial Capability – Evolution of the Military Industrialization Commission’. Additional information on the MIC based principally on custodial interviews with former senior members.

Report of the US Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, 31 March 2005

890. The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, established by President Bush on 6 February 2004, published its Report on 31 March 2005.⁴⁹⁹

891. In their covering letter to President Bush, the members of the Commission wrote:

“We conclude that the Intelligence Community was dead wrong in almost all of its pre-war judgments about Iraq’s weapons of mass destruction. This was a major intelligence failure. Its principal causes were the Intelligence Community’s inability to collect good information about Iraq’s WMD programs, serious errors in analyzing what information it could gather, and a failure to make clear just how much of its analysis was based on assumptions, rather than good evidence ...

“After a thorough review, the Commission found no indication that the Intelligence Community distorted the evidence regarding Iraq’s weapons of mass destruction. What the intelligence professionals told you about Saddam Hussein’s programs was what they believed. They were simply wrong.”

JIC Assessment, 28 September 2006: ‘Iraqi Chemical Weapons: Implications of Recent Finds’

892. In September 2006, the JIC issued an Assessment considering recent US recovery of chemical munitions, ‘Iraqi Chemical Weapons: Implications of Recent Finds’.⁵⁰⁰ It addressed:

- a series of US-led operations to purchase chemical weapons in MND(SE);
- recent US discoveries of canisters from a previously unidentified site at Taji, a large military complex north of Baghdad; and
- occasional individual finds.

⁴⁹⁹ The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, 31 March 2005, *Report to the President of the United States*.

⁵⁰⁰ JIC Assessment, 28 September 2006, ‘Iraqi Chemical Weapons: Implications of Recent Finds’.

893. The Assessment stated that, in southern Iraq, “Some 545 sarin nerve agent warheads for 122mm rockets had been recovered.” The UK did not know the original sources or the sites from which the weapons had been recovered. The Assessment judged that they had been produced before 1991 and were probably from forward ammunition supply points, not the principal CW storage depot at Al Muthanna or any other large depot. The warheads did “**not constitute evidence of a concerted Iraqi plan to retain chemical weapons covertly post-1991 in a viable state for future use**”. Their existence could be explained by a number of reasons, including careless disposal, poor accounting or simple loss or abandonment. The Assessment also stated that Iraqi sarin “had a relatively short shelf life”.

894. The munitions recovered at Taji were “CW-capable” but no CW agents had been identified.

895. The Assessment stated that small numbers of munitions designed to carry agents other than sarin had been recovered, “including 11 or 12 155mm mustard-based artillery rounds”. None contained “more than residual traces of mustard”.

896. The Assessment also stated:

“It is unlikely ever to be possible to reconcile the tens of thousands of 122mm chemical weapons that the former regime declared it had manufactured, used and destroyed with figures from UNSCOM or the findings of the Iraq Survey Group.

We judge that further recoveries of sarin-based chemical weapons are highly likely, but we cannot estimate how many will be found in total.”

Conclusions

897. This Section has considered the impact of the failure to find stockpiles of WMD in Iraq in the months immediately after the invasion, and of the ISG’s emerging conclusions, on:

- the Government’s response to demands for an independent judge-led inquiry into pre-conflict intelligence on Iraq; and
- the Government’s public presentation of the nature of the threat from Saddam Hussein’s regime and the decision to go to war.

898. The Inquiry has not sought to comment in detail on the specific conclusions of the ISC, FAC, Hutton and Butler Reports, all of which were published before the withdrawal by SIS in September 2004 of a significant proportion of the intelligence underpinning the JIC Assessments and September 2002 dossier on which UK policy had rested.

899. In addition to the conclusions of those reports, the Inquiry notes the forthright statement in March 2005 of the US Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction.

Reporting to President Bush, the Commission stated that “the [US] Intelligence Community was dead wrong in almost all of its pre-war judgments about Iraq’s weapons of mass destruction. This was a major intelligence failure.”

900. The evidence in this Section shows that, after the invasion, the UK Government, including the intelligence community, was reluctant to admit, and to recognise publicly, the mounting evidence that there had been failings in the UK’s pre-conflict collection, validation, analysis and presentation of intelligence on Iraq’s WMD.

901. Despite the failure to identify any evidence of WMD programmes during pre-conflict inspections, the UK Government remained confident that evidence would be found after the Iraqi regime had been removed.

902. Almost immediately after the start of the invasion, UK Ministers and officials sought to lower public expectations of immediate or significant finds of WMD in Iraq.

903. At the end of March 2003, Mr Scarlett informed No.10 that the Assessments Staff considered that:

- most sites associated with WMD production had been “cleansed over the last six to nine months”; and
- “the best prospect of exposing the full extent of the WMD programmes rests in free contact with scientists, and other individuals, involved in the WMD programmes and the (extensive) concealment activity”.

904. On 21 April, Mr Straw expressed concern to Mr Blair that the Government was being pushed into a position where it accepted that war would only have been justified if there was a significant find of WMD.

905. The post-invasion search for WMD did not start well. XTF-75, the US-led military unit responsible for locating and securing personnel, documents, electronic files, and material, achieved little on WMD. It failed to make significant finds or to prevent the loss of potentially valuable information.

906. By May, when the US announced the creation of the ISG to take over the search for WMD, the absence of significant finds in Iraq was already generating critical media comment on the nature of the pre-invasion intelligence.

907. The UK Government employed the same arguments used to explain the inspectors’ lack of finds – the regime’s skill at cheating and concealment and the need to conduct interviews with key personnel – to explain the lack of any significant finds from the early post-invasion searches.

908. The Government sought to emphasise the complexity of the exercise and the time needed for work to be completed.

909. The early discovery of two mobile trailers was the most significant find, but the trailers' use for BW production remained unproven.

910. The lack of evidence to support pre-conflict claims about Iraq's WMD challenged the credibility of the Government and the intelligence community, and the legitimacy of the war.

911. The Government and the intelligence community were both concerned about the consequences of the presentational aspects of their pre-war assessments being discredited.

912. Although the US proposed the creation of the ISG in April, it was not launched until 30 May. Mr Tenet appointed Dr Kay as the ISG's first Head on 11 June and it was another two months before Mr Scarlett was able to inform No.10 on 10 August that the ISG was "fully operational".

913. By June, the Government had acknowledged the need for a review of the UK's pre-conflict intelligence on Iraq. It responded to demands for an independent, judge-led inquiry by expressing support for the reviews initiated by the ISC and the FAC.

914. The announcement of the Hutton Inquiry into the circumstances surrounding the death of Dr David Kelly on 18 July reinforced the Government's position that additional reviews were not needed.

915. The Government maintained that position until January 2004, backed by three votes in the House of Commons (on 4 June, 15 July and 22 October) rejecting a succession of Opposition motions calling for an independent inquiry into the use of pre-war intelligence.

916. Mr Blair's initial response to growing criticism of the failure to find WMD was to counsel patience.

917. In Washington on 17 July, Mr Blair told the media that he believed "with every fibre of instinct and conviction" that he would be proved right about the threat from Iraqi WMD, but that it was important to wait for the ISG to complete its work.

918. In his Interim Report to Congress on 2 October, Dr Kay stated that the ISG had not found stocks of weapons. He judged that, although it was "far too early" to reach definitive conclusions, Saddam Hussein "had not given up his aspirations and intentions to continue to acquire weapons of mass destruction".

919. Despite finding that Saddam Hussein had breached Security Council resolutions and that he had intended to restart his WMD programmes as soon as he was able, the ISG Interim Report did not change the tone of the public debate.

920. After the publication of the ISG Interim Report, the Government's focus shifted from finding stockpiles of weapons to emphasising evidence of the Iraqi regime's strategic intent.

921. Mr Blair sought to redefine the public debate, shifting focus away from the failure to find WMD and concerns about the reliability of intelligence towards efforts to counter global proliferation and what he assessed to be the positive impact of military action in Iraq on those efforts.

922. On 5 October, in response to the failure to find “enough on WMD” and the deteriorating security situation in Iraq, Mr Blair outlined to President Bush a new strategy “to get us back on the high ground and get the public ... to focus on the big picture”. He concluded:

“WMD/terror remains the 21st century threat. Our global agenda is the only way to a better future not just for us but for the world. We’re not going soft on it. We’re going to be utterly determined on it, because it’s right.”

923. In autumn 2003, the ISG faced increasing obstacles to its WMD investigations, caused mostly by the deteriorating security situation, including:

- constraints on ISG staff mobility;
- a reluctance among Iraqi experts to talk openly about Saddam Hussein’s WMD programmes; and
- growing pressure from Washington to transfer resources from the search for WMD to counter-insurgency.

924. The diversion of resources from WMD to counter-insurgency was reported to have contributed to Dr Kay’s decision in December to resign as Head of the ISG.

925. On 11 January 2004, in an interview with Sir David Frost, Mr Blair drew attention to emerging evidence from the ISG of “clandestine operations that should have been disclosed to the United Nations”. Mr Blair still believed weapons would be found, but commented that “we just have to wait and see”.

926. Points made in a Cabinet discussion on Iraq on 15 January included the observation that public opinion continued to focus on the absence of WMD, while the broader counter-proliferation story was inadequately covered.

927. Pressure for an independent inquiry in the UK continued to grow.

928. Secretary Powell’s comment on 24 January that it was an “open question” whether Iraq held any stocks of WMD, widely reported in the UK media, caused the UK Government considerable difficulty.

929. The Government’s response was to try to keep “in very close step” with the US. As late as 26 January, UK officials informed their US counterparts that the Government would continue to argue that, after the ISC, FAC and Hutton, there was no need for a further inquiry on intelligence.

930. Once President Bush made clear his decision to set up an independent inquiry, Mr Blair's resistance to a public inquiry became untenable.

931. By 29 January, the day after the publication of the Hutton Report, it was clear to Mr Blair that President Bush intended to set up an independent US inquiry into pre-conflict intelligence before he was forced to do so by Congress.

932. In his 'Note on WMD', sent to President Bush on 31 January, Mr Blair concluded that, if it proved necessary to accept that some of the intelligence on Iraqi WMD was wrong, it would be important not to "start pretending" that Iraq had nothing, or to allow inaccuracies in the intelligence to distract the UK and US from "confronting the WMD issue".

933. On 2 February, the same day as President Bush confirmed the imminent announcement of a "bipartisan independent commission", Mr Blair agreed to set up a committee of Privy Councillors with wider Terms of Reference than the ISC inquiry, looking at "intelligence on WMD in general, not just Iraq".

934. Mr Straw announced the creation of the Butler Review to Parliament on 3 February, three days before President Bush signed the Executive Order establishing the US Commission.

935. After the announcement of the Butler Review, the UK Government's focus shifted to the content of the next ISG report, the Status Report.

936. The Government, still concerned about the nature of the public debate on WMD in the UK, sought to ensure that the Status Report included existing ISG material highlighting the strategic intentions of Saddam Hussein's regime and breaches of Security Council resolutions.

937. Mr Duelfer began work on the ISG Status Report shortly after replacing Dr Kay as Head of the ISG on 23 January.

938. During his call on Mr Blair in London on 9 February, Mr Duelfer stated that it was his hypothesis that the regime's strategy had been to outlast UN sanctions. He did not believe that any judgements could be made until that was proven.

939. In his memoir, Mr Duelfer recorded that, at that meeting, Mr Blair had been "very well informed on the issue of WMD" and had given him the opportunity to go into the issue in more depth than had been possible with President Bush or Dr Rice. Mr Duelfer stated that Mr Blair had not made strong suggestions.

940. Sir Nigel Sheinwald reported to Mr Blair on 4 March that Mr Duelfer had made it clear that he would not accept "joint drafting" of his report. Sir Nigel had asked the FCO and SIS to press their US counterparts and said that he and Mr Blair and he should raise the issue with President Bush and Dr Rice.

941. Mr Scarlett sent Mr Duelfer “nuggets” from the September 2003 ISG Interim Report, including on strategic intent, explaining that they were not intended as drafting suggestions, but to identify existing ISG material worth highlighting. Many of Mr Scarlett’s suggestions were incorporated into Mr Duelfer’s testimony to Congress on 30 March.

942. Mr Duelfer’s testimony received little publicity. Mr Blair was advised that, given the security situation in Iraq, it would be extremely difficult to get further coverage in anything other than negative terms.

943. Mr Blair remained concerned about continuing public and Parliamentary criticism of the pre-conflict intelligence, the failure to find WMD and the decision to invade Iraq. After the reports from the Hutton Inquiry, the ISG and the US Commission, he sought to demonstrate that, although “the exact basis for action was not as we thought”, the invasion had still been justified.

944. Mr Blair told President Bush on 16 June that he remained “deeply concerned” about WMD. He expressed the wish that “if at all possible”, the reports of the Senate Intelligence Committee, the Butler Review and the ISG “should have this issue dealt with and lanced all at the same time”.

945. Mr Blair suggested to President Bush that the truth on Iraq’s WMD was probably that Saddam Hussein:

“... was developing long range ballistic missile capability in breach of UN resolutions; he probably had no or no large stockpiles of tactical CW or BW weapons; but he retained the capability and expertise to recommence production as soon as he could, again in breach of UN resolutions ...

“Such an explanation would mean that some of the intelligence upon which we acted was wrong; but that nonetheless the threat was there, as was the breach of UN resolutions. It would also explain why the picture was so confused and why, whilst the exact basis of action was not as we thought, the action was still justified.”

946. Mr Blair suggested that it might make sense to publish the ISG Comprehensive Report at the same time as the Senate Intelligence Committee and Butler Reports to “provide the clear evidential basis for saying there was indeed a threat, even if it was not the threat that had been anticipated”.

947. Immediately before and after the publication of the Senate Intelligence Committee and Butler Reports on 7 and 14 July respectively, Mr Blair restated his conviction that Iraq had posed a threat and that military action had been necessary to make progress in Libya and elsewhere.

948. On 6 July, Mr Blair told the Liaison Committee of the House of Commons that he had to accept that stockpiles of WMD “might not be found”, but it was “absolutely clear” that Saddam Hussein had the “strategic capability, the intent” and that he had committed multiple breaches of UN sanctions.

949. Mr Blair said that he still believed that Saddam Hussein had posed a threat. Without military action against Iraq, there would not have been the progress there had been on Libya, AQ Khan, Iran and North Korea.

950. In his statement to the House of Commons after the publication of the Butler Report, Mr Blair said that Saddam Hussein “retained complete strategic intent on WMD and significant capability”.

951. In July, Mr Blair told President Bush that the forthcoming ISG Comprehensive Report could be a powerful argument in support of the war.

952. Sir Nigel Sheinwald set out Mr Blair’s views on handling to Dr Rice on 4 October: that the failure to find stockpiles of WMD should be presented as “yesterday’s story” and the media encouraged to focus on new material about strategic intent, concealment and sanctions busting.

953. Mr Blair told President Bush on 5 October that the ISG Comprehensive Report “showed that Saddam Hussein had a clear strategic intent to develop WMD” and that “terrorists had chosen to make Iraq the battleground”.

954. The ISG Comprehensive Report was published on 6 October. It stated that it had been Saddam Hussein’s strategic intent to “end sanctions while preserving the capability to reconstitute his weapons of mass destruction (WMD) when sanctions were lifted”, and that in seeking to preserve that capability his regime had breached UN sanctions.

955. Addressing the state of Iraq’s WMD programmes in the years between the 1991 Gulf Conflict and the 2003 invasion of Iraq, the Report concluded that:

- Iraq’s WMD capability had mostly been destroyed in 1991.
- There were “no credible indications” that Iraq had resumed production of chemical munitions after 1991.
- There was “no direct evidence” that, after 1996, Saddam Hussein had plans for a new BW programme or was conducting BW-specific work for military purposes.
- Iraq’s ability to reconstitute a nuclear weapons programme had “progressively decayed” after 1991.
- The 1991 Gulf War and subsequent UN resolutions and inspections had brought many of Iraq’s delivery programmes to a halt, but because the UN had permitted development and possession of delivery systems with a range of up to 150km, Iraq was “positioned ... for a potential breakout capability”.

956. Mr Blair told the House of Commons on 13 October that:

“Those people who want to pray in aid the Iraq Survey Group in respect of stockpiles of weapons must also accept the other part of what the Iraq Survey Group said, which is that Saddam retained the intent and the capability – the teams of

scientists and so on – and was in breach of United Nations resolutions. That is what Mr Duelfer expressly said. It was the breach of UN resolutions and their enforcement that was and is the reason for going to war.”

957. The ISG’s findings were significant, but did not support past statements by the UK and US Governments, which had focused on Iraq’s current capabilities and an urgent and growing threat.

958. The explanation for military action put forward by Mr Blair in October 2004 was not the one given before the conflict.

