

[REDACTED]

**REPORT ON THE U.S. INTELLIGENCE COMMUNITY'S
PREWAR INTELLIGENCE ASSESSMENTS ON IRAQ**



Ordered Reported on July 7, 2004

SELECT COMMITTEE ON INTELLIGENCE

UNITED STATES SENATE

108th CONGRESS

PAT ROBERTS, Kansas, *Chairman*

JOHN D. ROCKEFELLER IV, West Virginia, *Vice Chairman*

ORRIN G. HATCH, Utah

MIKE DEWINE, Ohio

CHRISTOPHER S. BOND, Missouri

TRENT LOTT, Mississippi

OLYMPIA J. SNOWE, Maine

CHUCK HAGEL, Nebraska

SAXBY CHAMBLISS, Georgia

JOHN W. WARNER, Virginia

CARL LEVIN, Michigan

DIANNE FEINSTEIN, California

RON WYDEN, Oregon

RICHARD J. DURBIN, Illinois

EVAN BAYH, Indiana

JOHN EDWARDS, North Carolina

BARBARA MIKULSKI, Maryland

BILL FRIST, Tennessee, *Ex Officio*

THOMAS A. DASCHLE, South Dakota, *Ex Officio*

[REDACTED]

[REDACTED]

[REDACTED]

([REDACTED]) Although he was not specifically referenced in the text of the NIE, the IC also provided the Committee with an intelligence report from the debriefing of another Iraqi Asylum seeker [REDACTED]. A report from June 2001, which was the only report from this source provided to the Committee, said that Iraq had transportable facilities for the production of biological weapons mounted on trailers at a special armaments factory in Iraq, and that there were other Iraqi sites where biological weapons were produced. The report noted that protective gear had to be worn in these transportable facilities, which were housed in partially underground buildings that were surrounded by a fence. The report also stated that "anyone with open sores was strictly forbidden access to these facilities," and that "warheads with biological agents were stockpiled at this site."

([REDACTED]) Committee staff found several areas of concern regarding the HUMINT sources upon which the IC relied to build its assessments concerning Iraq's mobile BW production program. Those sources were CURVE BALL, [REDACTED], the INC source, and [REDACTED].

2. CURVE BALL

([REDACTED]) [REDACTED]

[REDACTED]. A CIA BW analyst told Committee staff that the translation process used to debrief CURVE BALL led to some misunderstandings. CURVE BALL spoke in English and Arabic, which was translated into a Western European language. [REDACTED]

DHS officers [REDACTED] translated the reports back into English before transmitting them to the Intelligence Community. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

() [REDACTED]

() [REDACTED]

() [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

([REDACTED]) The IC provided the Committee with a copy of an evaluation of the intelligence reporting from CURVE BALL that was submitted by [REDACTED] DIA BW analysts. The evaluation stated that “overall, the fact that the source may be valuable and the reporting appears to be of major significance are presently compromised by reporting inconsistencies as noted in the guidance below.” [REDACTED]

[REDACTED]

[REDACTED] The DHS intelligence officer responsible for collecting and reporting the intelligence from CURVE BALL was unable to tell Committee staff whether these concerns had been raised [REDACTED]. The DHS intelligence officer did not recall the particular evaluation provided by the DIA BW analysts, or if [REDACTED] provided any information in response.

([REDACTED]) A CIA BW analyst told Committee staff that a Department of Defense (DOD) detailee who provided technical advice on CURVE BALL “. . . thought that the guy might be an alcoholic and that bothered him a lot.” The detailee who provided technical advice to the CIA Directorate of Operations (DO) on BW matters, met CURVE BALL in May 2000 in order to administer [REDACTED]. The detailee is the only American intelligence official to have met CURVE BALL before Operation Iraqi Freedom.

[REDACTED]

[REDACTED]

[REDACTED]

([REDACTED]) The DOD detailee raised several concerns about CURVE BALL's reliability in an electronic mail (e-mail) he wrote to the Deputy Chief of the CIA's [REDACTED] Iraqi WMD Task Force after reading a draft of Secretary Powell's speech to the U.N. The detailee noted that "I believe I am still the only [United States Government] USG person to have had direct access to him. There are a few issues associated with that contact that warrant further explanation, in my opinion, before using him as the backbone for the Iraqi mobile program." The detailee explained,

I do have a concern with the validity of the information based on "CURVE BALL" having a terrible hangover the morning [REDACTED]. I agree, it was only a one time interaction, however, he knew he was to have a [REDACTED] on that particular morning but tied one on anyway. What underlying issues could this be a problem with and how in depth has he been [REDACTED]?

The DOD detailee also expressed concern in his e-mail that,

During the [REDACTED] meeting a couple of months ago when I was allowed to request [REDACTED] that "we/USG" wanted direct access to CURVE BALL, [REDACTED] [REDACTED] replied that in fact that was not possible, [REDACTED] were having major handling issues with him and were attempting to determine, if in fact, CURVE BALL was who he said he was. These issues, in my opinion, warrant further inquiry, before we use the information as the backbone of one of our major findings of the existence of a continuing Iraqi BW program!

([REDACTED]) The detailee's e-mail was sent to the Deputy Chief of the [REDACTED] Iraqi WMD Task Force on February 4, one day before Secretary Powell delivered his speech. The detailee told Committee staff that prior to receiving a draft copy of Secretary Powell's speech he had "had many discussions with the analysts about my concerns with CURVE BALL as this whole thing was building up and taking on a life of its own. I was becoming frustrated, and when asked to go over Colin Powell's speech . . . and I went through the speech, and I thought, my gosh, we have got - I have got to go on record and make my concerns known. . . ."

([REDACTED]) The detailee also told Committee staff that during his [REDACTED] [REDACTED] of CURVE BALL, he had several opportunities to speak with the [REDACTED] who had [REDACTED] responsibility for debriefing CURVE BALL. The detailee observed that ". . . this is an opinion of mine and I really have nothing else to base it

[REDACTED]

on, but it was obvious to me that his case officer, for lack of better words, had fallen in love with his asset and the asset could do no wrong. I mean, the story was 100 percent correct as far as [REDACTED] was concerned.”

([REDACTED]) [REDACTED]

[REDACTED] The INR BW analyst also told Committee staff that he was not aware that the detailee had concerns that CURVE BALL might have a drinking problem.

([REDACTED]) Because of Committee staff's concerns about the IC's reliance on a single source and questions about CURVE BALL's reporting, the Committee requested an IC assessment of CURVE BALL and his reliability. The DHS provided the Committee with an information paper on December 17, 2003 that stated “. . . the Iraqi design engineer [CURVE BALL] is not a biological weapons expert nor is he a life science expert. Source simply designed [REDACTED] production facilities. He never claimed that the project he was involved in was used to produce biological agents.” The DHS assessment also noted that “the source's reporting demonstrates a knowledge of and access to personalities, organizations, procurement, and technology related to Iraq's BW program.” Concerned that the assessment had said the primary source behind the IC's assessments of the Iraqi mobile BW production program had “never claimed that the project he was involved in was used to produce biological agents,” Committee staff asked DHS to clarify what appeared to be a serious discrepancy. The DHS was unable to respond to the request for several weeks, noting to Committee staff that the matter was being handled by the DCI's staff. The DHS then issued a correction to the Committee on January 15, 2003 that stated the information in the December 17, 2003 paper contained several errors and [REDACTED]

[REDACTED] . . .” The DHS correction also stated that

[REDACTED]

[REDACTED]

[REDACTED]

([REDACTED]) A 1996 HUMINT report from a former officer of the Iraqi Directorate of General Security said that 1,600 death row prisoners from Baghdad prisons were delivered to "unit 2100", near al-Haditha, which conducted chemical and biological warfare experiments on human subjects. [REDACTED] into Iraqi prison records revealed that prisoner transfer files at a prison believed to be involved in the alleged incident during the time in question were missing. [REDACTED] that prisoner transfer files "were in order and well maintained before and after this time frame."

([REDACTED]) The NIE assessed that the reported testing location described in the HUMINT report as an "unknown location near al-Haditha" was probably a facility near the Qadisiyah reservoir. [REDACTED]

([REDACTED]) A DIA BW analyst noted to Committee staff that there was "really very little" to suggest a BW role [REDACTED] at Qadisiyah, and noted that "Perhaps we were stretching that just a little bit." A [REDACTED] analyst responsible for the [REDACTED] analysis of this facility told Committee staff "You have to remember that this was only considered a suspect facility. That's as far as we went with it. The information linking this to BW was so incredibly sketchy that this is sort of our best guess [REDACTED]"

F. We Assess That Baghdad Also Has Increased the Effectiveness of its BW Arsenal by Mastering the Ability to Produce Dried Agent

([REDACTED]) The NIE assessed that Iraq had increased the effectiveness of its BW arsenal by "mastering the ability to produce dried agent." The IC assessed that Iraq had both liquid and dry BW agents. As the NIE pointed out, the ability to produce dry BW agents is significant because it allows the agent to be disseminated over a much wider area than wet agent. IC analysts also told Committee staff that dry agent is much easier to handle than liquid agent and has a longer shelf life. The NIE stated that "Iraq had the capability to dry organisms in a respirable particle size prior to the Gulf War but declared that all weapons systems deployed

[REDACTED]

during the Gulf war were filled with liquid agent.” The NIE went on to note that, “. . . reporting on the procurement of dual-use drying and milling equipment suggest (sic) continued interest by Iraq in the capability to dry and size at least some of the agents in its arsenal.”

([REDACTED]) The IC provided the Committee with 14 HUMINT and [REDACTED] reports to support the assessment that Iraq had the capability to dry BW agent. Six of the reports described existing Iraqi dual-use drying and milling equipment, while the other eight reports described Iraqi attempts to acquire such equipment. Nothing provided to the Committee indicated whether or not the Iraqis were successful in obtaining the equipment in any of these eight cases. Only one of the 14 reports described drying and milling equipment that is clearly linked to a BW effort. The report came from the HUMINT source codenamed CURVE BALL who reported on Iraq’s alleged mobile BW program. The report stated that the alleged mobile BW trailers contained spray drying equipment. The other 13 reports described dual-use drying and milling equipment that would be useful in a BW program, but none of these reports showed any links to a BW program.

([REDACTED]) Iraq declared to UNSCOM that prior to 1991 it produced only liquid biological weapons agents and dried only a small amount of anthrax for use in aerosol tests on animals. [REDACTED]

[REDACTED] Intelligence Community analysts told Committee staff that technology and expertise to dry *Bacillus thuringiensis* is directly applicable to drying and milling anthrax.

G. Iraq’s Capability to Manufacture Equipment and Materials . . . and to Procure Other Necessary, Dual-use Materials . . . Makes Large-scale BW Agent Production Easily Attainable

1. Foreign Procurement

([REDACTED]) The NIE stated that “Iraq continues to circumvent and undermine UN sanctions to enhance its biotechnical self-sufficiency, while advancing its BW program when possible.” The NIE listed several examples of Iraqi attempts to procure dual-use biotechnology equipment abroad. The IC provided the Committee with 19 [REDACTED] reports showing Iraqi attempts to procure dual-use biotechnology equipment abroad. While all of this equipment would be useful in a BW program, only one of these reports showed a BW-related end user in Iraq, and only one report indicated that Iraq had received the dual-use equipment as a result of its efforts.

[REDACTED]

[REDACTED]

[REDACTED] The NIE also described Iraqi efforts to obtain a “jet mill” capable of grinding hundreds of kilograms of biological material per hour to one to ten microns “the ideal particle size range for BW agents.” Although it is not discussed in the NIE, IC BW analysts told Committee staff that the one to ten micron particle range is also the ideal particle size for some legitimate pharmaceutical applications such as inhalers.

[REDACTED] The NIE described the travel in 1999 of three Iraqi intelligence officers [REDACTED] to obtain materials “. . . for use in the manufacture of biological weapons. . . .” A 2000 HUMINT report stated that three Iraqi Intelligence Service officers traveled [REDACTED] “. . . coordinate the acquisition of quantities of materials for use in developing Iraq’s chemical and biological weapons capability. Their plan was to obtain materials in [REDACTED] for use in the manufacture of biological weapons.”

[REDACTED] The NIE also described, “a robust network of intermediary firms [REDACTED] and elsewhere that assist with the procurement of dual-use and support equipment for Iraq’s offensive BW program.” The NIE stated that “Since the embargo was imposed in 1990, [REDACTED]” A CIA Iraq analyst [REDACTED] told Committee staff that after 1991 Iraq used front companies to import a wide range of goods, including consumer goods. None of the intelligence provided to the Committee showed that Iraq used front companies as a denial and deception technique to procure equipment for a BW program.

[REDACTED] The last example of BW-related procurement cited by the NIE is an Iraqi order for the antibiotic [REDACTED]. The NIE stated that the order was placed by “the same Iraqi company that recently procured CW nerve agent antidotes.” The Iraqi company, [REDACTED] which purchased the CW nerve agent antidotes is also responsible for acquiring a wide variety of goods associated with Iraq’s legitimate public health needs. [REDACTED] This suggests that the [REDACTED], which is widely used to treat a variety of infections, was intended for legitimate public health needs in Iraq.

[REDACTED] The CIA noted in a written response to a question from Committee staff that “A majority of the dual-use equipment sought probably was for legitimate research because of the dual-use nature of the equipment and the much larger needs of Iraq’s industrial infrastructure over its [BW] program. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] CIA and DIA BW analysts interviewed by Committee staff all agreed that in every case cited by the NIE of Iraqi attempts to obtain dual-use biotechnical equipment abroad, the Iraqis could have been seeking equipment for their legitimate needs. As a CIA BW analyst noted "There was nothing that was uniquely BW. . . ." A CIA BW analyst stated that none of the equipment and materials required for a BW program were exclusively BW in nature, and said that the IC did not have a specific case where it could provide intelligence that showed that a piece of dual-use biological equipment or material sought by Iraq was clearly intended to go to an Iraqi BW-related end user. The Deputy Director for Analysis at the DCI's Center for Weapons Intelligence, Nonproliferation, and Arms Control told Committee staff that ". . . if you look at every individual dual-use procurement, if your question is, are there any of these procurements that we saw that can't be explained by a potential legitimate application . . . I think the answer to that probably is no."

2. Indigenous Iraqi Efforts

([REDACTED]) The final part of the NIE's section concerning Iraq's ability to obtain dual-use biological equipment and production capabilities stated that "We assess that Iraq also maintains the capability to manufacture some BW-related equipment and materials indigenously." The IC provided the Committee with several [REDACTED] reports and an abstract of a paper published in a European science journal that showed dual-use biotechnical capabilities inherent in Iraqi industry that could potentially be converted for use in an offensive BW program.

(U) While all of the examples in the NIE have potential application to the Iraqi BW program, and while some of the organizations involved were connected to the pre-1991 Iraqi BW program, only one of the reports has a clear link to a post-1991 BW program. The report came from the HUMINT source codenamed CURVE BALL who reported on Iraq's alleged mobile BW program. According to this report, CURVE BALL stated that fermenters and tanks in the mobile production units had been made in Iraq.

(U) When asked by Committee staff whether the 2002 NIE did a good job of explaining the possibility that some, most or all of the examples cited in the NIE of dual use biological research and procurement could have been intended for legitimate, non-BW uses, a senior INR analyst stated, "I think, to answer your question, someone who is not an expert in weapons of mass destruction, if I were coming to the issue and they said here, read this Estimate on Iraq's weapons of mass destruction program, even if you have a discussion of dual-use applicability I think that I would come to the conclusion that, well, it must be really for WMD stuff because it's

[REDACTED]

in this Estimate that talks about Iraq's WMD. So even if it has a legitimate application in civilian industry, the presumption that I would come to the document with as a lay reader in what was then the environment, I assume, of policymakers or Hill policymakers, my assumption would be that I would think it was for [chemical-biological weapons] use."

H. The Nature and Amounts of Iraq's Stored BW Material Remain Unresolved by UNSCOM Accounting

(U) The NIE stated that "The nature and amounts of Iraq's stored BW material remain unresolved by UNSCOM accounting." The NIE went on to state that "From the end of the Gulf war to mid-1995, Iraq denied that it had an offensive BW program, claiming that it had conducted only 'defensive research.' Only after UNSCOM confronted Baghdad with irrefutable evidence of excessive growth media procurement did Iraq admit that it had an offensive BW program and had made 30,000 liters of concentrated biological weapons agents. Even then, UNSCOM estimates that Iraq's production of anthrax spores and botulinum toxin could have been two to four times higher than claimed by Baghdad."

(U) UNSCOM's final report noted that Iraq "categorically denied" it had a BW program from 1991 to 1995 and took "active steps to conceal the program" from UNSCOM. "In 1995, when Iraq was confronted with evidence collected by the Commission of imports of bacterial growth media in quantities that had no civilian utility with Iraq's limited biotechnology industry, it eventually, on 1 July 1995, acknowledged that it used this growth media to produce two BW agents in bulk, botulinum toxin and Bacillus anthracis. . . ."

(U) The NIE described Iraq's inability to substantiate claims that a large amount of growth media was lost in failed production runs or stolen from the high security BW facility at Al-Hakam and other sites. UNSCOM's final report listed the growth media as an unresolved accounting issue, and IC analysts told Committee staff that they did not believe that it is possible that growth media could have been stolen from a facility like Al-Hakam. A former UN inspector told Committee staff, however, that he found it believable in light of the chaos and looting that followed immediately after the defeat of the Iraqi army in 1991. He noted that Iraqi guards abandoned their posts at many Iraqi government facilities. When asked why an Iraqi would want to steal growth media, he noted that there was not necessarily any logic to looting.

(U) The NIE also described Iraq's failure to provide adequate proof that it destroyed 157 aerial bombs it had filled with BW agent. The UNSCOM final report stated that inspectors were unable to verify both how many aerial bombs existed and how many were actually destroyed.