109th Congress
2d Session SENATE

REPORT

OF THE

SELECT COMMITTEE ON INTELLIGENCE

ON

POSTWAR FINDINGS ABOUT IRAQ'S WMD PROGRAMS AND LINKS TO TERRORISM AND HOW THEY COMPARE WITH PREWAR ASSESSMENTS

together with

ADDITIONAL VIEWS

September 8, 2006 - Ordered to be printed

United States Senate
SELECT COMMITTEE ON INTELLIGENCE
WASHINGTON, DC 20510-6475

September 8, 2006

The Honorable Ted Stevens
President Pro Tempore
United States Senate
Washington, D.C. 20510

Dear Mr. President:

On behalf of the Select Committee on Intelligence, we submit the following unclassified reports, together with additional and minority views, for filing with the Senate: (1) *Postwar Findings about Iraq's WMD Programs and Links to Terrorism and How they Compare with Prewar Assessments* and (2) *The Use by the Intelligence Community of Information Provided by the Iraqi National Congress*.

Senate Resolution 400 of the 94th Congress (1976) charges the Committee with the duty to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to report to the Senate concerning those activities and programs. Pursuant to its responsibilities under Senate Resolution 400, the Committee has undertaken an in-depth examination of the matters described in the reports.

Both reports have been approved by the Committee in both classified and unclassified form. The classified reports are available to Members for reading at the Committee. The classified reports will also be provided to appropriately cleared officials of the Executive branch.

The unclassified versions of the reports, which are hereby transmitted for printing, are intended to provide the Senate, and through it, the American public, a substantial factual record upon which to consider the issues covered by the reports.

Sincerely,

Pat Roberts
Chairman

John D. Rockefeller IV
Vice Chairman

REPORT

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I. INTRODUCTION

(U) In June 2003, the Senate Select Committee on Intelligence (SSCI) began a formal review of U.S. intelligence on the existence of Iraq's weapons of mass destruction (WMD) programs, Iraq's ties to terrorist groups, Saddam Hussein's threat to stability and security in the region, and his violations of human rights, including the actual use of weapons of mass destruction against his own people.

(U) The key areas of inquiry were:

- the quantity and quality of U.S. intelligence on Iraq's weapons of mass destruction programs, ties to terrorist groups, Saddam Hussein's threat to stability and security in the region, and his repression of his own people;
- the objectivity, reasonableness, independence, and accuracy of the judgments reached by the Intelligence Community;
- whether those judgments were properly disseminated to policymakers in the executive branch and Congress; and
- whether any influence was brought to bear on anyone to shape their analysis to support policy objectives.

(U) In the first phase of the Committee's investigation, Committee staff endeavored to disregard postwar discoveries concerning Iraq until after completing the analysis of the prewar intelligence material. This was done in an attempt to replicate, to the greatest extent possible, the same analytic environment Intelligence Community analysts experienced prior to the war. In its July 2004 report, the Committee identified strengths and weaknesses throughout the

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intelligence process and discussed whether judgments were reasonable and supported by available intelligence.[1]

(U) The Committee could not make judgments about the accuracy of the intelligence at the time, because the Iraq Survey Group (ISG), which was investigating Iraq's weapons of mass destruction capabilities, had not completed its work. In addition, the Intelligence Community had not yet gathered sufficient information to determine whether documents and other information uncovered in Iraq supported or contradicted its assessments regarding Iraq's links to terrorism.

(U) On February 12, 2004, with the knowledge that the postwar investigative work on the ground in Iraq was not yet complete, the Committee refined the terms of reference regarding the question of accuracy, agreeing that in the second phase of the Committee review it would address:

> *The postwar findings about Iraq's weapons of mass destruction and weapons programs and links to terrorism and how they compare with prewar assessments.*[2]

(U) In its July 2004 report, the Committee concluded that:

> Most of the major key judgments in the Intelligence Community's October 2002 National Intelligence Estimate (NIE), *Iraq's Continuing Programs for Weapons of Mass Destruction*, either overstated, or were not supported by, the underlying intelligence

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[1] *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq,* Senate Select Committee on Intelligence, S. Rept. 108-301, July 7, 2004.

[2] *Chairman Roberts and Vice Chairman Rockefeller Issue Statement on Intelligence Committee's Review of Prewar Intelligence on Iraq,* Press Release, February 12, 2004.

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reporting. A series of failures, particularly in analytic tradecraft, led to the mischaracterization of the intelligence.[3]

(U) As noted in the report, intelligence is not a perfect science and we should not expect perfection from Intelligence Community analysts. It is entirely possible for an analyst to perform meticulous and skillful analysis and be completely wrong. Likewise, it is also possible to perform careless analysis and turn out to be right, purely by chance.[4] The purpose of this report is to examine prewar intelligence assessments to determine whether they were accurate, regardless of whether they were reasonable or substantiated by intelligence reporting available at the time.

(U) This report is divided into two main topics, Iraq's WMD capabilities and Iraq's links to terrorism. These two sections are treated differently in two key respects. First, in examining the Intelligence Community's prewar assessments about Iraq's WMD capabilities, the Committee focused on the October 2002 National Intelligence Estimate (NIE) on *Iraq's Continuing Programs for Weapons of Mass Destruction* because it was the Intelligence Community's most authoritative and comprehensive judgment about Iraq's WMD capabilities. In the absence of a single comprehensive Intelligence Community analytic product on Iraq's links to terrorism, the Committee established a "baseline" of prewar intelligence assessments by using a range of intelligence analysis from the various all-source analytic agencies. In several sections of this study, the Committee also included pertinent testimony from the Director of Central Intelligence (DCI), who spoke for the Intelligence Community.

(U) Second, the Committee used the findings of the ISG, which investigated Iraq's WMD capabilities after the war, supplemented with other postwar Intelligence Community and military findings, to determine the accuracy of the

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[3] *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq,* Senate Select Committee on Intelligence, S. Rept. 108-301, July 7, 2004, p. 14.

[4] *Id.* p. 4.

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Intelligence Community's prewar judgments about postwar Iraq. The U.S. government did not conduct a similar postwar investigation of Iraq's links to terrorism. Indeed, the nature of the question of whether or to what extent Iraq was linked to terrorist organizations, including al-Qa'ida, does not lend itself to an on-the-ground fact finding investigation as easily as the WMD case. One is not able to search Iraq for the presence of links to al-Qa'ida as one can search for the presence of WMD and the industrial facilities capable of producing WMD. The Committee did, however, examine documents uncovered in Iraq and new intelligence collected, including Intelligence Community debriefs of detained Iraqis and al-Qa'ida members, as a basis of postwar findings with which to judge the Intelligence Community's prewar assessments about Iraq's links to terrorism. The Committee supplemented this effort by soliciting the Intelligence Community's judgments of the accuracy of their own prewar assessments.

(U) The Committee's request to review Presidential Daily Briefs (PDBs) relevant only to Iraq's weapons of mass destruction capabilities and links to terrorists was denied by the White House during the first phase of the Committee's review. Without examining these CIA assessments, the Committee is unable to determine whether they were accurate. The WMD Commission was permitted to examine all PDB articles pertaining to Iraqi WMD programs.[5] The Commission stated in its March 2005 report that the intelligence in those PDBs was not markedly different from that in the NIE, but said they were "even more misleading" and "more alarmist, and less nuanced than the NIE."[6]

(U) Finally, the Committee recognizes that classification decisions are often difficult, requiring a careful balancing of our responsibility to protect national security sources and methods with the need for the appropriate transparency of intelligence activities. Overall, the declassification process on this report was a substantial improvement over past efforts. The Committee disagrees, however,

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[5] Staff discussion with WMD Commission Co-Chairman, May 18, 2006.

[6] The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, *Report to the President of the United States*, March 31, 2005, p. 14.

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with the Intelligence Community's decision to classify certain portions of the report's findings and conclusions. In its decision to keep this information from the public, the Intelligence Community was unable to demonstrate to the Committee that disclosing the redacted information would compromise sensitive sources and methods or otherwise harm national security. The Committee concludes that the Intelligence Community's decision to classify this information is without justification.

II. IRAQ'S WMD CAPABILITIES

(U) On September 30, 2004, the ISG issued findings on its investigation of Iraqi WMD. The report, "Comprehensive Report of the Special Advisor to the Director of Central Intelligence (DCI) Iraq's WMD," included the ISG's findings from the group's creation in June 2003 until September 2004. The report was intended to provide context and analysis to the ISG's physical findings and to place events in a political-military context. The goal was described as:

> to provide facts and meaning concerning the Regime's experience with WMD. It aims to provide a dynamic analysis rather than simple static accounting of the debris found following Operation Iraqi Freedom.[7]

(U) The Committee used the ISG's report and information gathered from the ISG team as the primary evidentiary basis on which it judged the accuracy of the Intelligence Community's assessments about Iraq's WMD programs and capabilities. The Committee supplemented its review of ISG findings with postwar Intelligence Community and military findings.

(U) The Committee compared the ISG's findings with the assessments in the 2002 NIE on *Iraq's Continuing Programs for Weapons of Mass Destruction.*

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[7] *Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD,* Iraq Survey Group, September 30, 2004, p. 1.

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This document was used as the focus of the first portion of the Committee's inquiry for several reasons:

- NIEs are the Intelligence Community's most authoritative written judgments concerning national security issues;
- the 2002 NIE addressed all of Iraq's suspected WMD programs and was a coordinated community judgment in which all agency views were represented and dissenting opinions were noted;
- the 2002 NIE was comprehensive, encompassing more than ten years of source reporting and analysis;
- the 2002 NIE presented some new assessments, some of which had shifted in significant ways from previous Intelligence Community assessments; and
- the 2002 NIE was requested by Senate Select Committee on Intelligence Members so that policymakers could benefit from the Intelligence Community's coordinated judgments on Iraq's WMD programs while they debated authorizing military action against Iraq.[8]

In the cases in which agencies within the Intelligence Community had published dissenting views, those views are noted as well.

(U) While the Committee focused on the NIE for the reasons outlined above, the analysis described in the first phase of the Committee's report did not start or stop with this document. The Committee examined the assessments from the Intelligence Community on the topics discussed in the NIE produced prior to and following the NIE. In most cases, the opinions of the community and individual agencies did not change following the publication of the NIE or

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[8] *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq,* Senate Select Committee on Intelligence, S. Rept. 108-301, July 7, 2004, p. 8-9.

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following the 2002-2003 United Nations' inspections in Iraq. The community judgment did change pertaining to the intended use of Iraq's UAVs. Specifically, the NIE judgment that Iraq's attempts to procure U.S. mapping software for its UAVs that was useless outside the U.S., "strongly suggests that Iraq is investigating the use of these UAVs for missions targeting the United States."[9] A change was made to the UAV judgments in a new NIE published in January 2003 titled *Nontraditional Threats to the U.S. Homeland Through 2007.* Both judgments will be addressed in the Delivery section of this report. In addition, CIA's assessments about the Iraq-Niger uranium reporting were inconsistent and, at times, contradictory following publication of the NIE. Those assessments are explained below.

A. Nuclear Assessments

(U) In the 2002 NIE on *Iraq's Continuing Programs for Weapons of Mass Destruction*, the majority of Intelligence Community agencies assessed that Iraq was reconstituting its nuclear program.[10] One agency, the State Department's Bureau of Intelligence and Research (INR) dissented from this view, arguing in the NIE key judgments that the detected activities in Iraq did not add up to "a compelling case that Iraq is pursuing . . . an integrated and comprehensive approach to acquire nuclear weapons."[11] INR added in the body of the NIE that the evidence did "not add up to a compelling case for reconstitution."[12]

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[9] National Intelligence Estimate, *Iraq's Continuing Programs for Weapons of Mass Destruction,* October 1, 2002.

[10] National Intelligence Estimate, *Iraq's Continuing Programs for Weapons of Mass Destruction,* October 1, 2002, p. 5.

[11] *Id.* at p. 8-9.

[12] *Id.* at p. 14.

[redacted]

(U) The majority judgment about reconstitution was based on several factors outlined in the key judgments and in greater detail in the body of the NIE. The key judgments stated:

- Most agencies believe that Saddam's personal interest in and Iraq's aggressive attempts to obtain high-strength aluminum tubes for centrifuge rotors–as well as Iraq's attempts to acquire magnets, high-speed balancing machines, and machine tools–provide compelling evidence that Saddam is reconstituting a uranium enrichment effort for Baghdad's nuclear weapons program. (The Department of Energy [DOE] agrees that reconstitution is underway but assesses that the tubes probably are not part of the program.)

- Iraq's effort to re-establish its cadre of weapons personnel as well as activities at several suspect nuclear sites further indicate that reconstitution is underway.[13]

(U) Although the DOE's Office of Intelligence and INR both assessed that the aluminum tubes Iraq was seeking were probably not intended for a nuclear program,[14] DOE agreed with the majority Intelligence Community view that reconstitution was underway. Only INR disagreed that Iraq had begun reconstituting its nuclear program.[15]

(U) A one page summary of the NIE prepared for the President said "most agencies judge that Baghdad's aggressive pursuit of specialty aluminum tubes . . . is related to a uranium enrichment effort. State/INR and DOE believe that the tubes more likely are intended for conventional weapons uses." Regarding reconstitution the summary said "most agencies judge that Iraq is reconstituting its

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[13] *Id.* at p. 6.

[14] *Id.* at p.6.

[15] *Id.* at pp.8-9.

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nuclear weapons program. INR judges that the evidence indicates, at most, a limited Iraqi nuclear reconstitution effort."[16]

(U) The NIE also discussed reported Iraqi attempts to acquire uranium from several countries in Africa, noting that "Iraq also began vigorously trying to procure uranium ore and yellowcake."[17] The alleged yellowcake procurement attempts were not one of the reasons most agencies of the Intelligence Community judged that Iraq was reconstituting its nuclear program and this information was not included in the NIE key judgments or the President's Summary. Most agencies agreed that Iraq was trying to procure yellowcake from Africa, but did not believe this data point was critical to the judgment that Iraq was reconstituting its nuclear program.[18] INR dissented on the uranium reporting, arguing that "the claims of Iraqi pursuit of natural uranium in Africa are, in INR's assessment, highly dubious."[19]

(U) Intelligence agency judgments about nuclear reconstitution and the purpose of the aluminum tubes did not change in assessments published after the NIE. Similarly, assessments from DIA, INR and DOE about Iraq's pursuit of uranium from Niger after publication of the NIE remained consistent with their NIE positions. CIA's assessments about the uranium reporting were inconsistent

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[16] Committee staff notes of President's NIE Summary dated October 1, 2002.

[17] National Intelligence Estimate, *Iraq's Continuing Programs for Weapons of Mass Destruction,* October 1, 2002, p.25.

[18] *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq,* Senate Select Committee on Intelligence, S. Rept. 108-301, July 7, 2004, pp. 52-53.

[19] *Id.* At p. 53.

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and contradictory following publication of the NIE.[20] A full description of CIA's post-NIE uranium assessments and comments follows.[21]

(U) In an October 2, 2002, SSCI hearing about the Iraq WMD NIE, the Deputy Director of Central Intelligence commented that a British White Paper "stretched a little bit . . . on the points about Iraq seeking uranium from various African locations. We've looked at those reports and we don't think they are very credible. It doesn't diminish our conviction that he's going for nuclear weapons, but I think they reached a little bit on that one point."[22]

(U) On October 6, 2002, the CIA sent a fax to the White House providing information on why the DCI had advised that a reference to Iraq seeking uranium from Africa be removed from a speech the President intended to deliver in Cincinnati. CIA offered three points: "(1) The evidence is weak. One of the two mines cited by the source as the location of the uranium oxide is flooded. The other mine cited by the source is under the control of the French authorities. (2) The procurement is not particularly significant to Iraq's nuclear ambitions because the Iraqis already have a large stock of uranium oxide in their inventory. And (3) we have shared points one and two with Congress, telling them that the Africa story is overblown and telling them this is one of the two issues where we differed with the British."[23]

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[20] For additional information on the reasons behind CIA's inconsistent assessments, see the Niger section of the Committee's first Iraq report, *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq*, July 7, 2004, pp. 36-83.

[21] The Federal Bureau of Investigation (FBI) is continuing to investigate the source of the documents, the level of sophistication of the forgeries, the motivation of those responsible for the forgeries, and the extent to which the forgeries were part of a disinformation campaign. The Vice Chairman of the SSCI, John D. Rockefeller, requested this investigation in March 2003.

[22] SSCI closed hearing on The National Intelligence Estimate on Iraq, October 2, 2002.

[23] Interview with NSC staff, August 22, 2003.

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(U) Also in October, the CIA published an Iraq handbook which said, "Iraq may be trying to acquire 500 tons of uranium – enough for 50 nuclear devices after processing – from Niger. "[24] CIA also provided comments on a draft White House paper, *A Grave and Gathering Danger,* which suggested changing the draft language "to generalize the first bullet as follows: Sought uranium from Africa to feed the enrichment process." The original text from the White House had said "sought uranium oxide, an essential ingredient in the enrichment process, from Africa."[25]

(U) In mid-November 2002, as part of a larger briefing to the International Atomic Energy Agency (IAEA) on the status of Iraq's nuclear program, the U.S. government briefed the IAEA's Iraq Nuclear Verification Office (INVO) that "reporting on Iraqi attempts to procure uranium from Africa are fragmentary, at best. We assess that none of these deals have gone through, but it shows that Iraq is probably trying to acquire uranium ore abroad."[26]

(U) On December 17, 2002, CIA analysts produced a paper, *U.S. Analysis of Iraq's Declaration, 7 December 2002.* The paper reviewed Iraq's "Currently Accurate, Full and Complete Disclosure" to the UN of its WMD programs and made only two points regarding the nuclear program–one noted Iraq's failure to explain its procurement of aluminum tubes which the IC assessed could be used in a nuclear program, and the other noted that the declaration "does not acknowledge efforts to procure uranium from Niger, one of the points addressed in the U.K. Dossier."[27]

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[24] CIA, NESA Iraq handbook, October 2002.

[25] CIA response to questions from Committee staff, document 5, e-mail comments on *Grave and Gathering Danger.*

[26] U.S. government brief, p.25.

[27] CIA, *U.S. Analysis of Iraq's Declaration, 7 December 2002*, December 17, 2002.

[redacted]

[redacted]

(U) On December 18, 2002, the Director of the DCI's Center for Weapons Intelligence, Nonproliferation, and Arms Control (WINPAC) cleared a fact sheet for State Department publication which said Iraq's UN declaration "ignores efforts to procure uranium from Niger." Separately, National Security Council staff coordinated with the WINPAC Director on a speech for the U.S. Ambassador to the United Nations. The WINPAC Director recommended that "Niger" be replaced with "Africa" in the speech.

(U) On January 15, 2003, WINPAC provided comments on a White House paper, *A Grave and Gathering Danger*, saying "better to generalize first bullet as follows: Sought uranium from Africa to feed the enrichment process."[28]

(U) On January 17, 2003, WINPAC published a current intelligence paper, *Request for Evidence of Iraq's Nuclear Weapons Program Other Than the Aluminum Tube Procurement Effort*, in response to a request from the Chairman, Joint Chiefs of Staff for information, other than the aluminum tubes, that showed Iraq was reconstituting its nuclear program. The paper said, "fragmentary reporting on Iraqi attempts to procure uranium from various countries in Africa in the past several years is another sign of reconstitution. Iraq has no legitimate use for uranium."[29]

(U) On January 24, 2003, in response to a request from the NSC for additional information regarding Iraq's WMD for use in an upcoming speech, the National Intelligence Officer (NIO) for Strategic and Nuclear Programs faxed a packet of background information to the NSC. Regarding uranium acquisition, the fax said, "Iraq also began vigorously trying to procure uranium ore and yellowcake."[30]

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[28] CIA response to questions from Committee staff, document 5, e-mail comments on *Grave and Gathering Danger*.

[29] CIA, *Request for Evidence of Iraq's Nuclear Weapons Program Other Than the Aluminum Tube Procurement Effort*, SPWR011703-01, January 17, 2003.

[30] NIC response to NSC request, January 24, 2003.

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[redacted]

(U) In late January, the Director of WINPAC and the Special Assistant to the President for Nonproliferation discussed a portion of the State of the Union draft which said, "we know that he [Saddam Hussein] has recently sought to buy uranium in Africa." The WINPAC Director expressed concerns about the classification of the information because the intelligence was tied directly to a foreign government service. The WINPAC Director and NSC Special Assistant agreed to cite British intelligence, which was already unclassified, rather than U.S. intelligence. The WINPAC Director did not raise any concerns about the credibility of the information.[31]

(U) On February 4, 2003, the U.S. government provided copies of the Niger uranium documents to the IAEA with talking points which stated, "two streams of reporting suggest Iraq has attempted to acquire uranium from Niger. We cannot confirm these reports and have questions regarding some specific claims. Nonetheless, we are concerned that these reports may indicate Baghdad has attempted to secure an unreported source of uranium yellowcake for a nuclear weapons program." The two streams of reporting mentioned refer to the intelligence reports from the foreign intelligence service and a CIA intelligence report reflecting the findings of a former Ambassador's visit to Niger.[32]

(U) On February 27, 2003, the CIA responded to a January 29, 2003 letter from Senator Carl Levin which asked the CIA to detail "what the U.S. IC knows about Saddam Hussein seeking significant quantities of uranium from Africa." The CIA's response was almost identical to the points passed to the IAEA in early February, saying "two streams of reporting suggest Iraq had attempted to acquire uranium from Niger." The response said the CIA believes the government of Niger's assurances that it did not contract with Iraq but said, "nonetheless, we question, based on a second source, whether Baghdad may have been probing Niger for access to yellowcake in the 1999 time frame." The CIA's response left

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[31] Committee staff interviews with WINPAC Director and NSC Special Assistant.

[32] U.S. government points for the IAEA, February 4, 2003.

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out the sentence, "we cannot confirm these reports and have questions regarding some specific claims," that had been included in the U.S. government's IAEA brief.[33]

(U) On March 7, 2003, the IAEA reported publicly that "documents which formed the basis for the reports of recent uranium transactions between Iraq and Niger are in fact not authentic. We have therefore concluded that these specific allegations are unfounded." In response to the IAEA's report, on March 11, 2003, the CIA published an assessment which stated, "we do not dispute the IAEA Director General's conclusion–last Friday before the UN Security Council–that documents on Iraq's agreement to buy uranium from Niger are not authentic." The assessment added, "[the U.S. government] on several occasions has cautioned IAEA inspectors that available information on this issue was fragmentary and unconfirmed and early last month told them, 'We could not confirm these reports and have questions regarding some specific claims. Nonetheless, we are concerned that these reports may indicate Baghdad has attempted to secure an unreported source of uranium yellowcake for a nuclear weapons program.'" The same day the CIA published another assessment with the same information for the Secretary of Defense.[34]

Assessments about UN Inspection Findings

(U) The CIA provided the Committee with several assessments published after the NIE that provided CIA's judgments about the IAEA's investigation of Iraq's efforts to obtain high-strength aluminum tubes. The assessments considered new information from the IAEA's investigations from December 2002 through March 2003. The CIA assessments rejected the IAEA's conclusions, without giving many details of the IAEA's findings and, in some cases, stated that the IAEA was not privy to certain information the Intelligence Community possessed.

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[33] CIA responses to questions from Senator Levin, February 27, 2003.

[34] CIA, Iraq: Iraq's Reported Interest in Buying Uranium From Niger and Whether Associated Documents are Authentic, March 11, 2003.

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The CIA told the Committee that analysts did not believe the information from the IAEA disproved CIA's assessments about the likely centrifuge application for the tubes.

([redacted]) On December 26, 2002, the CIA published an assessment responding to arguments that the tubes had shortcomings as centrifuge rotors which said, [redacted] We judge that Iraq would use any suitable tubes rather than try to procure perfect ones." The paper reiterated the CIA's assessment that the tubes' special material, dimensions, precise manufacturing tolerances, high cost, and the involvement of senior Iraqi leaders indicated the tubes were most likely for gas centrifuges to enrich uranium.[35]

(U) On January 6 and 7, 2002, the CIA published three papers on overall inspection activities which said that the IAEA was "investigating thoroughly the aluminum tubes issue, inspecting sites–some repeatedly–associated with 81-mm rocket production, Baghdad's cover story for aluminum tube procurement. Iraq's cover story gives IAEA inspectors an explanation for aluminum tubes that inspectors find plausible, but difficult to verify."[36]

([redacted]) On January 10, 2003, CIA published two papers which said "we have no information from the IAEA that helps us evaluate Iraqi claims that the tubes were intended for rockets. [redacted]

[35] CIA, *Iraq: What We Think of the IAEA's Analysis of Iraq's Attempt to Purchase Aluminum Tubes*, December 26, 2002.

[36] CIA, *Iraq: Update on WMD Inspections*, PWR010703-01 and SEIB 03-005CHX, January 7, 2003 and CIA, *Iraq: Undermining WMD Inspections*, SPWR010603-01, January 6, 2003.

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[redacted] The papers noted that the views of DOE and State INR – that the tubes could be used for centrifuges, but are more likely intended for rockets – have been reported in the press. The papers assessed that Iraq may try to exploit the Intelligence Community's differences about the tubes, [redacted][37]

(U) The assessment added that the IAEA Director stated publicly that "the tubes appear consistent with Iraq's claims they were for use in rockets, but several issues remain unresolved." The assessment outlined CIA's views that the anodized coating and the high priority of the tubes acquisition were inconsistent with Iraqi claims. One version of the assessment, published as a Senior Executive Memorandum, included a check list which showed that of eight categories identified the tubes were suitable for a centrifuge end use in all eight, but were suitable for rockets in only two.[38]

(U) CIA also reviewed the IAEA Director General's March 7, 2003 presentation to the UN Security Council, noting his statement that inspectors had found "no evidence or plausible indication of the revival of a nuclear weapons programs in Iraq," that the aluminum tubes were not related to the manufacture of centrifuges, and that it was highly unlikely that Iraq would be capable of designing and manufacturing a centrifuge based on such a tube. CIA's assessment of the Director General's presentation noted that although he had not closed the book on any aspect of the nuclear program, "his language is largely dismissive of what we assess to be indicators of a weapons program."

([redacted]) [redacted]

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[37] [redacted]

[38] CIA Memorandum, SPWR011003-01, January 10, 2003 and CIA, SEM, January 10, 2003.

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[redacted]

[redacted][39]

1. SSCI July 2004 Report Conclusion - Nuclear

(U) In its July 2004 report, the Committee concluded that the judgment in the NIE that Iraq was reconstituting its nuclear program "was not supported by the intelligence."[40] The Committee agreed with INR's alternative view in the NIE that the available intelligence did "not add up to a compelling case for reconstitution."[41] On each of the key issues outlined in the NIE as the foundation for the Intelligence Community's judgment, the Committee concluded that:

- Iraq was trying to procure high-strength aluminum tubes, but the Committee believed the information available to the Intelligence Community indicated

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[39] [redacted]

[40] *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq*, July 7, 2004, p. 129.

[41] *Id.* at p. 129.

[redacted]

[redacted]

that the tubes were intended for a conventional rocket program and not a nuclear program.

- Intelligence did show that Iraq was trying to procure magnets, high-speed balancing machines and machine tools, but this intelligence did not suggest that the materials were intended for a nuclear end use.

- The intelligence which showed Iraq had kept its cadre of nuclear weapons personnel trained and in positions that could keep their skills intact for eventual use in a reconstituted nuclear program was compelling, but this intelligence did not show a recent increase in activity that would have been indicative of recent or impending nuclear reconstitution.

- Intelligence information did show that Saddam Hussein met with Iraqi Atomic Energy Commission (IAEC) personnel and that some security improvements were taking place, but none of the reporting indicated that the IAEC was engaged in nuclear weapons related work.

- The statement in the NIE that the IAEC was "expanding the infrastructure–research laboratories, production facilities, and procurement networks–to produce nuclear weapons" was not supported by the raw intelligence reporting.[42]

(U) Regarding the Intelligence Community's judgments on Iraq's pursuit of uranium from Africa, the Committee concluded:

- Until October 2002 when the Intelligence Community obtained the forged foreign language documents on the Iraq-Niger uranium deal, it was reasonable for analysts to assess that Iraq may have been seeking uranium from Africa based on Central Intelligence Agency (CIA) reporting and other intelligence information. However, the language in the NIE that Iraq began

[42] *Id.* at pp.135, 137, and 140-142.

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"vigorously trying to pursue uranium ore and yellowcake" overstated what the Intelligence Community knew about Iraq's possible procurement attempts.[43]

2. Postwar Findings - Nuclear

(U) The ISG found that Iraq ended its nuclear program in 1991 and that Iraq's ability to reconstitute a nuclear weapons program progressively declined after that date. The ISG found no evidence that Saddam Hussein attempted to restart the nuclear program, but did find that he took steps to retain the intellectual capital developed during the nuclear program. Nonetheless, that intellectual capital had decayed since the end of the nuclear program in 1991 and there was no evidence that the scientists were engaged in renewed weapons work. Several senior Iraqis told the ISG they assumed Saddam would reconstitute Iraq's nuclear program once sanctions were lifted.[44] A CIA nuclear retrospective said that Saddam "probably harbored some intent to acquire nuclear weapons, but there were credible claims...to suggest he abandoned such pursuits."[45]

(U) The ISG found:

- Iraq had not tried to reconstitute a capability to produce nuclear weapons after 1991;

- Iraq did not rebuild uranium ore conversion capabilities, including development of gas centrifuges, Electromagnetic Isotope Separation (EMIS), or Laser Isotope Separation (LIS), or any feed material capabilities; and

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[43] *Id.* at p. 75.

[44] Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD, Nuclear Section at p. 1.

[45] CIA, Iraq: Revisiting Nuclear Assessments, January 9, 2006, p.1.

[redacted]

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- It does not appear that Iraq took steps to advance its work in nuclear weapons design and development.[46]

(U) The ISG found two specific instances in which nuclear scientists kept related documents and technology after the end of the nuclear program in 1991. Both scientists did so at their own initiative in anticipation of resuming nuclear work in the future.[47] Both officials claimed that they had the authority to retain the nuclear information, but according to a CIA retrospective paper about this issue, their efforts ran counter to several official orders reportedly issued to scientists since 1995 to relinquish such items.[48]

(U) The ISG determined that Iraq's interest in procuring 81mm high-strength, high-specification aluminum tubes was most likely for use in a rocket system.[49] Specifically, the former head of the Iraqi centrifuge program, Dr. Mahdi Shukur Al 'Ubaydi, told the ISG that he did not consider it reasonable for Iraq to use 81mm tubes for a centrifuge, and assessed that no scientist in Iraq could have redesigned the pre-1991 centrifuge to use 81mm aluminum tubes.[50]

(U) The ISG investigation revealed that the tight specifications for the tubes were the result of efforts to improve the accuracy of the rocket, and that in 2000, the Military Industrialization Commission (MIC) established a seventeen member committee to address problems with the rocket's accuracy.[51] The ISG concluded that "systemic problems such as bureaucratic inefficiencies and fear of senior officials seem to have played a significant role in the history of the 81mm rocket

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[46]Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD, Nuclear Section at p. 7, 8.

[47]*Id.* at p. 1.

[48]CIA, Iraq: Revisiting Nuclear Assessments, January 9, 2006, p.12-13.

[49]Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD, Nuclear Section at p. 21.

[50]*Id.* at p. 23.

[51]*Id.* at p. 23.

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and probably influenced why Iraq persisted in its effort to seek tubes with high specifications."[52] Additionally, multiple reports to the ISG affirmed that high level interest in the tubes was for a rocket end use.[53]

(U) The ISG found no evidence to indicate that magnet production line procurement, balancing machines or machine tools ordered by the MIC were intended for a centrifuge program.[54] In fact, evidence suggests that the machine tools were not capable of supporting a centrifuge program and that the balancing machine was intended for much heavier components than a centrifuge program would call for.[55]

(U) Consistent with the ISG determination that Iraq did not pursue a nuclear weapons program after 1991, the ISG found no clear evidence of the intent to re-establish or enhance Iraqi weapons personnel. However, the ISG found that shortly after the Gulf War, former Iraqi nuclear scientists were reassigned to positions which utilized their expertise and inherently preserved their capabilities.[56] With this in mind, the ISG suggested that Iraq may have been attempting to keep the scientists' skills intact for eventual use in a reconstituted nuclear program, although it found no clear intent behind the reassignments.[57]

(U) The ISG found that from 1999 on, Saddam demonstrated increasing interest in IAEC activities, the well-being of IAEC scientists, and increased

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[52] *Id.* at p. 29.

[53] *Id.* at p. 22.

[54] *Id.* at p. 35, 36.

[55] *Id.* at p. 36, 37.

[56] *Id.* at p. 9.

[57] *Id.* at p. 61.

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funding for IAEC improvements in equipment and facilities.[58] The ISG judged, however, that Iraq did not work on nuclear weapons design or component manufacture capabilities after 1991.[59] Statements made to the ISG indicate it is likely that increased funding to and interest in the IAEC resulted from the need to improve a decaying and degraded non-nuclear scientific infrastructure.[60]

(U) In its nuclear retrospective, CIA said it now judges that Saddam's prewar exhortations to Iraq's nuclear personnel appear to be "related to encouraging the IAEC to work on air defense–a view that also seems consistent with information gathered since the war on research projects under way at the IAEC."[61]

(U) The ISG found no evidence that Iraq sought uranium from foreign sources after 1991 and, as of June 2004, the IAEA and the Coalition had accounted for all of Iraq's known inventory of uranium.[62] The ISG did, however, find a document that indicated Iraq had refused an opportunity to purchase uranium of African origin.[63]

(U) The head of Iraq's pre-1991 nuclear weapons program, Ja'far Diya' Ja' far, stated that after 1998, Iraq had two contacts with Niger and neither was regarding uranium. In 1999, Iraq's Ambassador to the Holy See, Wissam Zahawie, traveled to Niger to invite the President of Niger to visit Iraq and, in 2001, a Nigerien minister visited Iraq to discuss purchasing petroleum. The ISG

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[58] *Id.* at p. 66-69.

[59] *Id.* at p. 59.

[60] *Id.* at p. 69.

[61] CIA, Iraq: Revisiting Nuclear Assessments, January 9, 2006, p. 4.

[62] Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD, Nuclear Section at p. 7, 11.

[63] *Id.* at pp. 10-11.

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recovered a draft contract between Niger and Iraq supporting the purchase of crude oil by Niger in exchange for cash.[64]

(U) In May 2003, the ISG recovered a report dated May 20, 2001, from the Iraqi Embassy in Nairobi, Kenya, to the Foreign Affairs Ministry regarding an offer from a Ugandan businessman to supply uranium, allegedly from Congo, to Iraq. However, the document indicates that the Iraqi Embassy refused the offer emphasizing that Iraq does not deal with those materials due to international sanctions.[65]

B. Biological Weapons (BW) Assessments

(U) The main assessments in the 2002 NIE regarding Iraq's biological warfare program were that Iraq "has biological weapons" and that "all key aspects–R&D, production, and weaponization–of Iraq's offensive BW program are active and that most elements are larger and more advanced than they were before the Gulf war."[66]

(U) The Intelligence Community also said:

- We assess that Iraq has some BW agents and maintains the capability to produce a variety of BW agents.[67]

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[64] *Id.* at p. 11.

[65] *Id.* at p. 10-11.

[66] National Intelligence Estimate, *Iraq's Continuing Programs for Weapons of Mass Destruction,* October 1, 2002, p.5-6.

[67] *Id.* at p. 36.

[redacted]

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- In the absence of UN inspectors, Iraq probably has intensified and expanded research and development in support of Iraq's BW program.[68]

- We assess that Baghdad also has increased the effectiveness of its BW arsenal by mastering the ability to produce dried agent.[69]

- We judge that we are seeing only a portion of Iraq's WMD efforts, owing to Baghdad's vigorous denial and deception efforts.[70]

(U) A primary judgment that supported the conclusion that Iraq had biological weapons was the assessment that "Baghdad has transportable facilities for producing bacterial and toxin BW agents and may have other mobile units for researching and filling agent into munitions or containers, according to multiple sensitive sources."[71] This assessment was based largely on reporting from one liaison service source, codenamed CURVE BALL, to whom the Intelligence Community did not have direct access. The Intelligence Community said in the NIE that the information was corroborated by three additional sources.[72]

(U) The President's summary of the NIE said, "we assess that most elements of Iraq's BW program are larger and more advanced than before the Gulf War. We judge Iraq has some BW agent and is capable of quickly producing (in both mobile and fixed facilities) a variety of such agents, including anthrax. It can

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[68] *Id.* at p. 43.

[69] *Id.* at p. 37.

[70] *Id.* at p. 5.

[71] *Id.* at p. 41.

[72] *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq,* Senate Select Committee on Intelligence, S. Rept. 108-301, July 7, 2004, pp. 188-189.

[redacted]

deliver these BW agents by bombs, missiles, aerial sprayers, and covert operatives."[73]

(U) Intelligence agency judgments about Iraq's biological weapons efforts did not change in assessments published after the NIE. Intelligence Community agencies did not provide the Committee with any assessments of the results of UN biological weapons related inspections.

1. SSCI July 2004 Report Conclusion - Biological

(U) In its July 2004 report, the Committee concluded that the judgment in the NIE that "Baghdad has biological weapons" overstated what was known about Iraq's biological weapons holdings, did not explain the uncertainties underlying the statement, and did not explain that the conclusion that Iraq had a mobile biological weapons program was largely based on the reporting from a single source.[74] The Committee also concluded that the Intelligence Community's judgments that "all key aspects–R&D, production, and weaponization–of Iraq's offensive BW program are active and that most elements are larger and more advanced than they were before the Gulf War" were not supported by the intelligence reporting provided to the Committee.[75]

(U) The Committee said the following:

> The information provided to the Committee indicated that Iraq was renovating and expanding fixed dual-use facilities, was capable of producing biological warfare agents, and was engaged in research that was suitable for biological weapons. All of these activities were

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[73] Committee staff notes of President's NIE Summary dated October 1, 2002.

[74] *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq,* Senate Select Committee on Intelligence, S. Rept. 108-301, July 7, 2004, pp. 188-189.

[75] *Id.* at p. 187.

[redacted]

dual-use, however. Therefore, all of the activity could have been related to legitimate, non-biological weapons activity. Few intelligence reports suggested specifically that the activity was related to biological weapons. The Intelligence Community also had reporting which indicated that Iraq may have had a mobile biological weapons production capability, but most of that intelligence was obtained from a single HUMINT source to whom the Intelligence Community never had direct access.

The Committee believes that it was reasonable for the Intelligence Community to be concerned about these activities and to point out its concerns to policy makers that these activities could have been related to biological weapons production. But, the Community also had an obligation to explain to the reader that it was equally possible that the dual-use activities had nothing to do with biological weapons and that the intelligence on the mobile biological weapons capability was largely from a single source to whom the Intelligence Community did not have direct access. This intelligence did not indicate that Iraq's biological weapons research and development, production, or weaponization *were* larger and more advanced than they were before the Gulf War, a time when Iraq had an active biological weapons program.[76]

(U) Regarding the assessment of Iraq's mobile biological weapons capability, the Committee said that the information from HUMINT sources combined with information from UN inspections that Iraq may have been interested in mobile biological weapons production capability, "should have made analysts concerned that Iraq may have been pursuing such a program. However,

[76] *Id.* at p. 187.

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the definitive statement that Iraq 'has' such facilities was not supported by the intelligence."[77]

(U) The Committee noted that concerns about the liaison source CURVE BALL had been raised in CIA operations cables, but were not disseminated to analysts outside the CIA. Despite these warnings, and perhaps in part because of their limited dissemination, the Intelligence Community judged CURVE BALL to be "credible" or "very credible." Uncertainties about his reliability should have been taken into account by the operations officers who provided the judgment of his credibility, should have made the analysts who were aware of them wary about relying so heavily on his reporting, and should have been noted in the NIE. In addition, these concerns should have been passed on to policymakers, who used CURVE BALL's information publicly.[78]

(U) The Report to the President from the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (WMD Commission) identified additional concerns about CURVE BALL within the Central Intelligence Agency's Directorate of Operations (DO) prior to the start of Operation Iraqi Freedom. Specifically, officers in DO's Europe Division told the WMD Commission that they had raised concerns with CIA leadership about CURVE BALL, cautioning them that the foreign service that handled CURVE BALL had not been able to verify his reporting.

(U) In one instance, in response to a CIA headquarters inquiry about using CURVE BALL's information in an upcoming speech before the UN General Assembly (what became the Powell UN speech), the relevant CIA station specifically cautioned CIA headquarters about using CURVE BALL's information in a public speech. A January 27, 2003 station cable said:

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[77] *Id.* at p. 190.

[78] *Id.* at pp. 188- 189.

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> [The foreign liaison service handling CURVE BALL] has not been able to verify his reporting. [This foreign service] has discussed CURVE BALL with US [and others], but no one has been able to verify this information. . . . The source himself is problematical. Defer to headquarters but to use information from another liaison service's source whose information cannot be verified on such an important, key topic should take the most serious consideration.[79]

(U) Because this cable was not provided to the Committee during the first phase of its Iraq review, the Committee was unaware that Europe Division officials had relayed concerns about the public use of CURVE BALL's information. This prompted an additional Committee inquiry about specific issues raised by the WMD Commission. This ongoing inquiry is examining several issues, including claims by the Europe Division Chief that a representative of the foreign service handling CURVE BALL told him in the fall of 2002 that he believed CURVE BALL was a "fabricator," and that officials in the Europe Division had raised concerns about CURVE BALL's credibility with the Director and Deputy Director of Central Intelligence before Secretary Powell's UN speech.

(U) In addition, the Committee is examining the facts surrounding a December 20, 2002, cable from the relevant CIA station which transmitted comments from a letter to the DCI and a discussion with the Chief of Station from the head of the foreign intelligence service that handled CURVE BALL. The cable noted that the head of the foreign intelligence service said experts from a number of foreign intelligence services had analyzed the CURVE BALL information and believed "the information was plausible, but were unable to verify it." The head of the foreign intelligence service also said his own service had not verified the report on mobile facilities.[80] The CIA station sent the actual letter from the head of the foreign intelligence service with a verbatim translation on

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[79] The Report to the President from the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, March 31, 2005, p. 102.

[80] CIA operational cable, December 20, 2002.

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February 10, 2003. The former DCI, George Tenet, testified before the Committee that he never saw and was not aware of the existence of the cable or the letter. The Committee is continuing to examine this case.

(U) The Committee has already examined several thousand documents and conducted numerous interviews regarding this issue. The Committee intends to continue its review of the Intelligence Community's handling of CURVE BALL and will report resulting findings and conclusions when that review is complete.

2. Postwar Findings - Biological

(U) The ISG judged that actions between 1991 and 1996 demonstrated Iraq's intention to preserve its BW capability and progress to a mature BW program when and if the opportunity arose. The ISG found no evidence that Iraq had plans for a new BW program or was conducting BW-specific work after the UN supervised 1996 destruction of Iraq's primary BW production facility.[81] Further, they found "no indications that biological agents were researched for BW purposes after 1991."[82]

(U) The ISG judged that in 1991 and 1992, Iraq "appears to have destroyed its undeclared stocks of BW weapons and probably destroyed remaining holdings of bulk BW agent," but lacked evidence to document complete destruction. Iraq retained some BW-related seed stock until their discovery after Operation Iraqi Freedom (OIF). [83]

(U) The ISG found undeclared covert laboratories used by the Iraqi Intelligence Service (IIS) until the mid-1990s for research into BW agents.

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[81] Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD, Biological Section at p. 1.

[82] *Id.* at p. 18, 38, 40.

[83] *Id.* at p.. 2.

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However, the ISG could not determine the scope and nature of the work done at these laboratories.[84]

(U) The ISG determined that depending on its scale, Iraq could have re-established an elementary BW program within a few weeks to months of a decision to do so, but found no indications that Iraq was pursuing this option.[85] The ISG noted that Iraq would have faced great difficulty in re-establishing an effective BW agent production capability.[86] Iraq's bacterial and toxin BW agents were adequately researched and developed prior to the first Gulf war and had weaponized *Clostridium botulinum*, *Bacillus anthracis*, and Aflatoxin in liquid form. The ISG found that Iraq did have the basic capability to work with smallpox, but found no evidence that Iraq retained any stocks of smallpox virus or actively conducted research into the agent for BW intentions.[87]

(U) The ISG found that Iraq devoted increased resources and effort to biotechnology and genetic engineering activities from 1998-2003, but found no evidence of activity likely to contribute directly to BW. According to the ISG, Iraq actively pursued the goal of drying its BW agent and possessed the expertise and equipment to do so, but the ISG found no evidence of dried agent.[88]

(U) The ISG conducted a thorough investigation of all information relating to a mobile BW program and found "no evidence that Iraq possessed, or was developing BW agent production systems mounted on road vehicles or railway wagons." The investigation included an examination of two suspect trailers,

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[84] *Id.* at p. 3, 57.

[85] *Id.* at p. 2.

[86] *Id.* at p. 2.

[87] *Id.* at p. 3, 18.

[88] *Id.* at p. 56-8.

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found in April and May 2003, which had been previously examined by three investigative teams with different results.

(U) In April 2003, a U.S. chemical and biological intelligence support team (CBIST) examined the first recovered trailer and provided a preliminary field assessment of its findings. The team's report assessed the trailer was "likely of recent construction or refit capable of supporting a limited biological batch production process." A comment from the reporting officer noted a chemical agent or industrial production process could not be ruled out. In addition, the report noted that on-site tests for anthrax, plague, ricin, botulinim toxin, seb, tularemia, brucella, and smallpox were negative.[89]

(U) Also in April, Joint Task Force Twenty, a joint U.S./U.K. military team, examined the same trailer and assessed that the trailer was "probably the latest generation of the reported Iraqi Transportable BW Production Trailers." The report concluded that "the TBWAPT [transportable biological warfare agent production trailer] is one part of a process to produce biological weapons."[90] CIA told the Committee the Joint Task Force report provided photographs which were shown to CURVE BALL, the key source of the prewar mobile trailer reporting, who identified some of the equipment as associated with the trailers he had described. In addition, CIA told the Committee that three CIA analysts inspected the trailers in Iraq in mid-May 2003 and they "agreed with the conclusions of the Task Force Twenty Report." One of the CIA analysts interviewed by the Committee said when he inspected the trailer he relayed his views to CIA headquarters that "based on the analysis that the TF-20 team did and based on the similarity to the CURVE BALL reporting, we thought that there was a good chance that these were what we thought they were, that they were related to the BW program."

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[89]DIA report, April 28, 2003.

[90]Joint Task Force Twenty Report on the Field Exploitation of the Irbil Transportable Biological Warfare Agent Production Trailer, May 2003 p.4, 74.

[redacted]

(U) The CIA told the Committee that the Task Force assessment was the primary assessment used by CIA analysts in writing the May 16, 2003 paper, *Iraqi Mobile Biological Warfare Agent Production Plants*, which described the trailers as "the strongest evidence to date that Iraq was hiding a biological warfare program.[91] CIA published an unclassified version of the paper on CIA's website on May 28, 2003. The publication was directed by the former Deputy Director of Central Intelligence. The paper remains on CIA's website today.

(U) On May 25 and 26, 2003, both trailers were examined by a DIA-led interagency exploitation team which provided a technical engineering assessment of the trailer system. The team concluded in a May 27, 2003 executive summary that "although a substantial explosion hazard does exist based on the configuration of the system, it is possible to produce hydrogen gas with the system" and "that the trailer system could not be used as a transportable biological production system as the system is presently configured."[92] A CIA scientist, who had participated in the inspection of the trailer, sent an e-mail to his CIA colleagues with the content of the executive summary. According to one of the CIA BW analysts, the executive summary's findings were discussed at meetings where CIA managers were present. The DIA-led team produced a more extensive report, which had the same conclusion as the summary, in late June 2003. According to DIA, neither the executive summary nor the report was formally disseminated outside the DIA, until the report was posted on the Intelligence Community intranet in 2004.[93]

(U) On June 6, 2003, the CIA provided an assessment about the trailers, *Update on Iraq BW Trailers*, to National Security Advisor Condoleezza Rice. The paper stated that "CIA's judgment that the trailers found in Iraq were intended for

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[91] CIA response to questions from Committee staff, June 14, 2006.

[92] The Jefferson Project, *Technical Engineering Exploitation Report of Iraqi Suspect BW-Associated Trailers*, June 2003 (SSCI#2003-4815).

[93] DIA response to questions from Committee staff, May 10, 2006.

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BW agent production has not changed." The paper noted that "a DIA-organized team's findings that the trailers are not 'suitable for efficient BW agent production' were considered prior to the publication of the unclassified May 28 White Paper." The paper said members of the DIA team who believed the trailers were not suited for BW agent production, "still have not been able to find a credible alternate use," and provided two pages of talking points for use with the press offering CIA counterpoints to the DIA-led team's findings.[94]

(U) [redacted][95]

(U) In response to questions raised by these inquiries, the ISG examined the trailers as part of its investigation of the alleged mobile BW program. The ISG found that eleven design features of a fermentor, critical to a BW production capability, were not present on the fermentor in the mobile trailer. Ten of those features would require major reconfiguration to be transformed into a BW-capable fermentor.[96] The ISG judged that the trailers were impractical for biological agent production and almost certainly designed and built for hydrogen generation.[97]

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[94] CIA, *Update on Iraqi BW Trailers*, June 6, 2003.

[95] [redacted]

[96] Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD, Biological Section at p. 79, 81.

[97] *Id.* at p. 3.

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(U) Regarding the primary source reporting on Iraq's mobile biological weapons program, code named CURVE BALL, the ISG said it "harbors severe doubts about the source's credibility."[98] The ISG team investigating CURVE BALL's story located and debriefed over sixty individuals who could have been involved in a mobile program or were linked to suspect sites or to CURVE BALL. Many of the individuals corroborated some of the reporting on personnel and some legitimate activities the source claimed were cover activities, but none provided evidence to substantiate the claim of a mobile BW program.[99]

(U) The facility which CURVE BALL said housed the mobile production units did not have vehicle entrances on the ends of the buildings as he reported. In fact, the ISG reported that "two two-meter-high block walls around three sides of the building prevent vehicle access into the building through these reported vehicle entrances. ISG determined that the walls were constructed by 1997, which is when the BW production unit was reportedly on site."[100]

(U) A CIA analyst involved in the ISG's investigation of CURVE BALL told Committee staff that in the fall of 2003 the ISG interviewed CURVE BALL's relatives who said CURVE BALL was not in Iraq during key parts of the time he claimed to have worked in the mobile program.[101] A CIA assessment dated May 26, 2004 states that "investigations since the war in Iraq and debriefings of the key source indicate he lied about his access to a mobile BW production project."[102] The CIA and DIA issued a joint congressional notification in June 2004 noting

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[98] Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD, Biological Section at p. 3.

[99] *Id.* at p. 74.

[100] *Id.* at p. 75.

[101] Staff Interview of CIA analyst, June 8, 2005.

[102] *Key Mobile BW Source Deemed Unreliable*, CIA, May 26, 2004.

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that CURVE BALL was assessed to have fabricated his claimed access to a mobile BW production project and that his reporting had been recalled.[103]

C. Chemical Weapons (CW) Assessments

(U) The primary assessment in the 2002 NIE regarding Iraq's chemical weapons capabilities was "Baghdad has chemical weapons."[104] The NIE also said:

- We judge that Iraq is expanding its chemical industry primarily to support chemical weapons production[105] and is probably hiding small-scale agent production within legitimate research laboratories.[106]

- Baghdad has procured covertly the types and quantities of chemicals and equipment sufficient to allow limited CW production hidden within Iraq's legitimate chemical industry.[107]

(U) The Intelligence Community judged in October 2002 that Iraq had probably had a stockpile of between 100 to 500 metric tons, "much of it added within the past year."[108] The stockpile estimate was outlined in a footnote of the NIE. It said:

> Conservative estimates of Iraqi CW precursor stocks and production capacity, combined with Iraqi motivations and military requirements,

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[103] CIA and DIA Congressional Affairs Notification, June 7, 2004.

[104] National Intelligence Estimate, *Iraq's Continuing Programs for Weapons of Mass Destruction,* October 1, 2002, p.5.

[105] *Id.* at p. 31.

[106] *Id.* at p. 33.

[107] *Id.* at p. 35.

[108] *Id.* at p. 6.

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> suggest the stockpile is composed of at least 100 tons. We believe the Iraqis are capable of producing significantly larger quantities of CW agent in some scenarios; the 500-ton upper-end estimate takes into account practical bounds, such as Iraq's limited delivery options, and approximates Iraq's stocks at the time of Operation Desert Storm.[109]

(U) Previous intelligence assessments based the lower range 100 metric ton estimate on assessments of CW and precursors for which Iraq had not been able to adequately account to the UN.

(U) The judgment that Iraq had produced much of the stockpile within the last year was based largely on the judgment that Iraq was transshipping materials, believed to be chemical munitions, at numerous sites. The activity was believed to be chemical weapons activity because of the presence of one or more "signatures" at the sites involved. The signatures included primarily a specific tanker truck–associated with chemical weapons transshipment prior to the Gulf War–special security, and at one site, the grading of top soil. Analysts judged that because these signatures suggested Iraq was moving large quantities of chemical munitions, Iraq must have restarted chemical production.[110]

(U) The President's summary of the NIE said, "Baghdad has begun renewed production of mustard, sarin, GF (cyclosarin), and VX. Although information is limited, Saddam probably has stocked at least 100–and possibly as much as 500–metric tons of CW agents. Iraq has experience in manufacturing CW bombs, artillery rockets, and projectiles; and we assess it has CW bulk fills for short-range ballistic missile (SRBM) warheads."[111]

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[109] *Id.* at p. 28, footnote.

[110] *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq,* Senate Select Committee on Intelligence, S. Rept. 108-301, July 7, 2004, pp. 212-213.

[111] Committee staff notes of President's NIE Summary dated October 1, 2002.

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(U) Intelligence agency judgments did not change in assessments published after the NIE. Only State INR provided the Committee with any assessments of UN chemical weapons related inspections. INR provided these assessments on January 31, 2003 as comments to Secretary Powell's UN speech. INR said that while it supported much of the related discussion, "decontamination vehicles–cited several times in the text–are water trucks that can have legitimate uses. A safer characterization is, 'a vehicle used for chemical weapon decontamination'."[112] Additionally, INR noted that "there has been suspicious activity at one site, including presence of a decontomination vehicle. We caution, however, that Iraq has given UNMOVIC what may be a plausible account for this activity–that this was an exercise involving the movement of conventional explosives; presence of a fire safety truck (water truck, which could also be used as a decontamination vehicle) is common in such an event."

1. SSCI July 2004 Report Conclusion - Chemical

(U) The Committee concluded in its July 2004 report that two of the judgments in the NIE – that "Baghdad has chemical weapons and that Baghdad has covertly procured chemicals and equipment sufficient for limited CW production" – overstated the available intelligence.[113]

(U) The Committee also noted that several of the Intelligence Community's assessments about Iraq's chemical weapons capabilities and activities were not based directly on intelligence reporting, but were layers of analysis based on a single stream of intelligence reporting. This reporting was that a specific tanker truck, assessed to be a signature for chemical weapons activity, was identified on imagery at a site where transshipment activity was taking place. The Committee

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[112] *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq,* Senate Select Committee on Intelligence, S. Rept. 108-301, July 7, 2004, p. 424.

[113] *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq,* Senate Select Committee on Intelligence, S. Rept. 108-301, July 7, 2004, pp. 211 and 214.

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concluded that the NIE did not make it clear that if the assessment regarding the tanker truck was incorrect, the additional assessments based on this information would likely be incorrect as well. It was this "layering" effect that gave the reader of the NIE the impression that Iraq's chemical weapons program was advancing and growing, although the Intelligence Community had little direct or credible intelligence to indicate that it actually was.[114]

2. Postwar Findings - Chemical

(U) The ISG searched a selection of munitions sites around Iraq and stated there "were no caches of CW munitions and no single rounds of CW munitions." Additionally, "the ISG has high confidence that there are no CW present in the Iraqi inventory."[115] The ISG found a small number of old, abandoned chemical munitions, which all appeared to be pre-1991 CW and not part of an active weapons stockpile. The ISG "judges that Iraq unilaterally destroyed its undeclared chemical weapons stockpile in 1991." The ISG found no credible evidence indicating Iraq resumed its chemical weapons program after 1991, but said that "Saddam never abandoned his intentions to resume a CW effort when sanctions were lifted and conditions were judged favorable."[116]

(U) The ISG investigated eleven specific sites the Intelligence Community believed were involved in chemical munitions transshipment activity and conducted an in-depth inspection of two of the sites that were "assessed prior to the war to have the strongest indicators of CW movement."[117] The ISG's "review of documents, interviews, intelligence reporting, and site exploitations revealed

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[114] *Id.* at 212-213.

[115] Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD, Chemical Section at p. 123.

[116] *Id.* at p. 1and 97.

[117] *Id.* at p. 37, and 41.

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alternate, plausible explanations" for the activity taking place at these sites, other than chemical weapons transshipment.[118]

(U) According to a CIA review of its prewar chemical weapons assessments, " the ISG. . .learned that Iraq used tanker trucks–including 'Samarra-type' vehicles that were associated with known CW transshipments at Iraq's primary CW facility prior to 1991–to carry water for innocuous purposes at depots." In addition, an Iraqi officer told the ISG that decontamination trenches, believed by the Intelligence Community to indicate chemical activity, were commonly built for training purposes and were not indicative of CBW activity. Documents and an interview also showed that grading at a suspect chemical facility was a fire prevention measure, not an attempt to hide chemical weapons activity.[119]

(U) The ISG also investigated whether Iraq's civilian chemical production, which had been improved in recent years, was intended to also support a CW effort. The ISG found that Iraq had an inherent capability to use its civilian industry for sulfur mustard CW agents, but did not find any production units that had been configured to produce CW agents or key chemical precursors. The ISG found that Iraq did not have a capability to produce nerve agents.[120] The CIA review of its prewar chemical assessments noted that the credibility of prewar sources who reported that Iraq was producing or hiding chemical weapons "has been called into question in varying degrees." The review added that "intense interest in information on Iraq's WMD capabilities lowered the threshold for reporting such information and increased the volume of reporting from less credible sources."[121]

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[118] *Id.* at p. 3.

[119] CIA, *Iraq: No Large-Scale Chemical Warfare Efforts Since Early 1990*s, January 18, 2005, p.3.

[120] Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD, Chemical Section at p. 25.

[121] CIA, *Iraq: No Large-Scale Chemical Warfare Efforts Since Early 1990*s, January 18, 2005, p.4-5.

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(U) The ISG found undeclared covert laboratories used by the Iraqi Intelligence Service (IIS) from 1991-2003 for research and testing, primarily for intelligence operations, but ISG investigations of the labs, safe houses and disposal sites showed no evidence of CW-related research or production. The ISG judged that the sites could have provided a platform from which to continue CW research or small scale production efforts, but found no evidence that Iraq had plans to do so.[122]

(U) An addendum on residual pre-1991 chemical and biological stocks in Iraq said:

> The ISG assessed that Iraq and Coalition Forces will continue to discover small numbers of degraded chemical weapons, which the former Regime mislaid or improperly destroyed prior to 1991. The ISG believes the bulk of these weapons were likely abandoned, forgotten and lost during the Iran-Iraq war because tens of thousands of CW munitions were forward deployed along the frequently and rapidly shifting battle front.[123]

(U) In April 2006, the National Ground Intelligence Center (NGIC) published a report which noted that coalition forces have recovered another 500 filled and unfilled degraded pre-1991 Gulf War chemical munitions since the ISG completed its work. The discoveries are consistent with the ISG's addendum assessment.[124]

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[122] Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD, Chemical Section at 43-59.

[123] Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD, Residual Pre-1991 CBW Stocks in Iraq, at 1.

[124] National Ground Intelligence Center, NGIC Assessment, *Iraq: Chemical Weapons Continue to be Recovered*, April 4, 2006, at 1.

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D. Delivery Assessments

(U) In the 2002 NIE, the Intelligence Community assessed that "Iraq maintains a small missile force and several developmental programs, including for a UAV [unmanned aerial vehicle] probably intended to deliver biological warfare agents."[125]

- Gaps in Iraqi accounting to the United Nations suggest that Saddam retains a covert force of up to a few dozen Scud-variant short range ballistic missiles (SRBMs) with ranges of 650 to 900 km.

- Iraq is deploying its new al-Samoud and Ababil-100 SRBMs, which are capable of flying beyond the UN-authorized 150-km range limit.

- Baghdad's UAVs could threaten Iraq's neighbors, U.S. forces in the Persian Gulf, *and if brought close to, or into, the United States, the U.S. Homeland.*[126]

(U) The NIE also noted that an Iraqi UAV procurement network attempted to procure route planning software and "an associated topographical database that will provide coverage of the '50 states'– referring to the United States." The NIE said that the "software is useless outside the United States, which strongly suggested that Iraq was investigating the use of these UAVs for missions targeting the U.S." The NIE noted that the Intelligence Community was "attempting to collect additional information regarding the intent of this procurement effort."[127]

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[125] National Intelligence Estimate, *Iraq's Continuing Programs for Weapons of Mass Destruction,* October 1, 2002, p.7.

[126] *Id.* at p. 7.

[127] *Id.* at p. 7 and 52.

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(U) The U.S. Air Force dissented from the community's view, judging that Iraq "is developing UAVs primarily for reconnaissance rather than delivery platforms for CBW agents." The Air Force added that "CBW delivery is an inherent capability of UAVs but probably is not the impetus for Iraq's recent UAV programs."[128]

(U) The President's summary of the NIE said, "Baghdad has some SRBMs that exceed UN range limits of 150 km. It has UAVs, probably for delivery of biological weapons and less likely chemical weapons agents. The summary did not include a dissent from the Air Force."[129]

(U) In a November 2002 NIE, *Nontraditional Threats to the U.S. Homeland Through 2007*, which the National Intelligence Council (NIC) published in January 2003, the Intelligence Community's judgment regarding the purpose of the UAVs shifted from "probably intended" to "Iraq may be modifying UAVs" for CBW delivery. This NIE said that Iraq "may be" modifying UAVs to deliver CBW agents, noting that "video equipment, data links and other equipment being sought for this program will enable the UAVs to be employed for reconnaissance and, if the UAV is to be used as a CBW delivery vehicle, for targeting."[130] The USAF, joined by DIA and the Army, noted:

> BW delivery is an inherent capability of most UAVs and that Iraq may choose to exploit this capability, but they note that the evidence is unconfirmed and is not sufficiently compelling to indicate the Iraqis have done so. There is information, however, on procurements that indicate a reconnaissance mission for the UAV program is more likely. DIA, the Air Force, and the Army further interpret recent reporting to mean the purpose

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[128] *Id.* at p. 7.

[129] Committee staff notes of President's NIE Summary dated October 1, 2002.

[130] National Intelligence Estimate, *Nontraditional Threats to the U.S. Homeland Through 2007,* January 2003, p.50.

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of the Iraqi request for route planning software and topographic database was to acquire a generic mapping capability–a goal that is not necessarily indicative of an intent to target the U.S. Homeland.[131]

(U) The majority position in the new NIE was also modified regarding the intent of the mapping software Iraq had been trying to procure. The new assessment stated that the software "could support programming of a UAV autopilot for operation in the United States."[132] Even with the less conclusive assessment in this NIE, the DIA, the USAF, and the Army all interpreted "recent reporting to mean that the purpose of the Iraqi request for route planning software and topographic database was to acquire a generic mapping capability – a goal that is not necessarily indicative of an intent to target the U.S. Homeland."[133]

(U) On March 3, 2003, CIA published an assessment of the threat from Iraqi UAVs. The assessment described the attempted mapping software purchase, noting that while the CIA could not exclude that this purchase was directed by Baghdad, "information acquired in October suggests that it may have been inadvertent on the part of the procurement agent. We are attempting to collect additional information regarding Iraq's intentions with this software."[134]

(U) The CIA produced several intelligence assessments about UN inspections of Iraq's al-Samoud short range ballistic missiles which indicated that Iraq probably had more of the missiles than the Intelligence Community had previously judged, and noted that modeling of a new version of the missile declared by Iraq, but previously unknown to the Intelligence Community,

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[131] *Id.* at p. 50.

[132] *Id.* at p. 50.

[133] *Id.* at p. 50.

[134] CIA, *The Threat from Iraqi UAVs*, March 3, 2003.

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indicated that the version was capable of 180 km range, which exceeded the 150 km UN allowance.[135]

([redacted]) The CIA also published two intelligence assessments about the UN's discovery of UAVs during an inspection in early March 2003. The assessments focused on discrepancies between the discovered UAVs and those Iraq reported in its declarations. [redacted][136]

1. SSCI July 2004 Report Conclusion - Delivery

(U) The Committee concluded that all of the community's judgments about Iraq's missile force were reasonable, including the assessment that Iraq retained a small force of Scud-type missiles, which the Committee believed was appropriately described as an assessment based on accounting discrepancies.[137]

(U) Regarding the UAV assessments, the Committee concluded that the assessment that Iraq's UAVs were probably intended to deliver biological warfare agents overstated the intelligence reporting. The Committee noted that none of the intelligence reports provided to the Committee said that Iraq intended to use its small UAVs for CBW delivery. The Air Force footnote which indicated that

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[135] CIA, [redacted] *Discovery of Iraqi Purchase of SA-2 Volga Engines*, January 16, 2003; CIA, *Iraq's al-Samoud II and Ababil-100 (al-Fat'h) SRBM Force and Payload Options*, January 16, 2003; CIA, *UN: New Iraqi Missile Concerns*, January 17, 2003; CIA, *Iraq: Questions on Iraq's Al Samoud II SRBM Inventory*, March 5, 2003.

[136] [redacted]

[137] *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq*, Senate Select Committee on Intelligence, S. Rept. 108-301, July 7, 2004, pp. 234.

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biological weapons (BW) delivery was a possible, though unlikely, mission more accurately reflected the body of intelligence reporting.[138]

(U) The Committee concluded that intelligence provided to the Committee did not "strongly suggest" that Iraq was investigating the use of UAVs to target the United States. At the time of the National Intelligence Estimate (NIE), the CIA had intelligence reporting that indicated an Iraqi procurement agent was interested in obtaining United States mapping software for Iraq's UAV program. Because this software was useless outside the United States, the Intelligence Community assessed that the intelligence "strongly suggests that Iraq is investigating the use of these UAVs for missions targeting the United States." Prior to publication of the NIE, the CIA received additional information, however, that suggested the procurement agent may not have understood that the mapping software was United States specific and may have believed that the software was general mapping software. This additional information was not included in the NIE and was not made available to analysts outside the CIA. Although the NIE noted that the Intelligence Community was "attempting to collect additional information regarding the intent of this procurement effort," the Estimate did not say that the additional collection was prompted by information that the intent may have been benign.[139]

(U) The Committee also concluded that the failure to fully explain the possibility that the procurement agent may have been unaware that the software was unusable outside the United States left readers of the NIE with an inaccurate picture of Iraq's likely intent to target the United States. Furthermore, the statement that the uselessness of the software outside the United States "strongly suggests" that Iraq was investigating the use of the UAVs to target the United States was misleading. Intelligence information available suggested only that this was one possibility, but that there was another, equally plausible, possibility–that

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[138] *Id.* at p. 235.

[139] *Id.* at pp. 236-237.

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the Iraqi procurement agent did not understand that the mapping software was specific to the United States.[140]

2. Postwar Findings - Delivery

(U) The ISG's interviews, site visits, and exploitation of documents indicate that Iraq unilaterally destroyed its Scud-type ballistic missiles in 1991. One document exploited by the ISG contains a break down, by serial number, showing the disposition of all 819 Scud missiles Iraq acquired from the Soviet Union.[141]

(U) According to a CIA review of its prewar assessments about Iraqi Scuds, at least 14 former Iraqi officials deny Iraq retained Scud-type missiles after 1991. The CIA review added that while these officials were probably not completely forthcoming, the consistency of the denials and the fact that most of the officials have provided evidence of other prohibited missile activity "lends credence to their claims." A 1995 document, found after Operation Iraqi Freedom, outlined activities Iraq continued to hide from the UN, but does not refer to hidden Scuds-type missiles or components. By 1996, all of the activities referred to in the document had been declared or destroyed.[142]

(U) The CIA review also noted that Iraq hid documentation related to its unilateral destruction of Scud propellant, fearing that the UN's discovery that Iraq had produced its own Scud-propellant may have led the UN to destroy the plant where it was produced. The resulting gap in the UN's ability to account for Iraq's Scud-propellant had suggested to the Intelligence Community that Iraq retained a covert Scud-variant missile force when, postwar findings indicate, Iraq was actually trying to protect its industrial infrastructure.[143]

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[140] *Id.* at pp. 236-237.

[141] *Id.* at 9.

[142] CIA, Iraq WMD Retrospective Series, *Disposition of Iraqi Scud-Type SRBMs*, January 4, 2005, p. 1, ii.

[143] *Id.* at 4.

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(U) The ISG "uncovered numerous examples of Iraq's disregard for UN sanctions and resolutions in an effort to improve its missile and UAV capabilities" and this "enabled Iraq to develop more robust delivery system programs."[144] Saddam stated to his ministers that he did not believe that missiles were WMD and he believed that he would be able to negotiate with the United Nations about missile ranges if he appeared to be in compliance with UN restrictions on nuclear, chemical, and biological weapons.[145] Therefore, against UN prohibitions, Iraq researched and developed the Al Samud II missile (using procured items prohibited by the UN) as well as the Al Fat'h missile. Both missiles exceeded the UN imposed 150-km range limit. In 2001, Iraq conducted multiple test flights of the Al Samud and increased production of the missile.[146] These efforts involved SA-2 surface-to-air missile technology and not Scud-related technology.

(U) The ISG discovered designs for long range ballistic missiles and a number of other indications Iraq was intent on developing longer range missiles, including a meeting in 2000 where Saddam ordered the development of missiles with ranges greater than the Al Samud.[147]

(U) The ISG concluded the available evidence indicates that Iraq's UAVs "were intended for reconnaissance and electronic warfare." The ISG said Iraq's small UAVs, the Al Musayara-20 and the Al Quds, the latter which was still in development at the start of OIF, were capable of being used for CBW delivery

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[144] Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD, Delivery Systems Section at p. 71.

[145] *Id.* at 60.

[146] *Id.* at p. 10, 11.

[147] *Id.* at p. 31.

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systems if a sprayer were added, but the ISG found no evidence indicating Iraq had any intent to use them for that purpose.[148]

(U) Iraqi officials provided the ISG with differing accounts of the purpose for the L-29 remotely piloted vehicles (RPVs). Some reported that the aircraft was to be used as a decoy for coalition aircraft, a target drone, for reconnaissance, and possibly electronic warfare. One Iraqi engineer without direct access to the information, said that in 1995, many Iraqi Air Force engineers believed the intended use was to attack a US aircraft carrier with chemical or biological weapons. The ISG could not confirm or deny that the L-29 had a CBW role, but regardless, said the program was a failure and had its funding terminated in 2001.[149]

(U) With regard to Iraq seeking GPS mapping equipment of the United States, Iraqi officials denied any intentional attempt to do so, but said Iraq acquired some mapping software as part of the package with an autopilot which was never installed.[150]

(U) According to a CIA retrospective about Iraq's UAVs, there is no evidence that the Iraqi procurement agent discussed in prewar intelligence assessments was directed to acquire a mapping capability of the US. The retrospective assessed that the "purchase attempt was more likely the result of carelessness or greed" on the part of the purchasing agent, rather than an indication of intent to target the US. The review suggested that the purchasing agent may have misunderstood what he was requesting, or that he may have been attempting to increase his profit margins by adding additional items.[151]

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[148] *Id.* at p. 42, 52, 57.

[149] *Id.* at p. 44-45.

[150] *Id.* at p. 50.

[151] CIA, Iraq WMD Retrospective Series, *Roles and Capabilities of Iraqi Pre-OIF UAVs*, October 19, 2005, p. 19.

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E. Conclusions

(U) Conclusion 1: Postwar findings do not support the 2002 National Intelligence Estimate (NIE) judgment that Iraq was reconstituting its nuclear weapons program. Information obtained after the war supports the State Department's Bureau of Intelligence and Research's (INR) assessment in the NIE that the Intelligence Community lacked persuasive evidence that Baghdad had launched a coherent effort to reconstitute its nuclear weapons program. The ISG found that, following the Gulf War, aggressive UN inspections forced Saddam Hussein to destroy or surrender Iraq's nuclear program. The ISG found no evidence that Saddam Hussein attempted to restart the nuclear program, and found that Iraq's ability to restart a nuclear program had progressively decayed after its destruction in 1991. Although all senior Iraqi officials interviewed by the ISG indicated that Iraq had ended its pursuit of nuclear weapons in 1991, several senior officials said they assumed that Saddam would resume Iraq's nuclear program once UN sanctions ended. While Saddam had ordered the retention of former nuclear program scientists, the ISG found that Iraq's intellectual capital had decayed following the end of the nuclear program. There was no evidence that the scientists were engaged in renewed weapons work.

(U) Conclusion 2: Postwar findings do not support the 2002 National Intelligence Estimate (NIE) assessment that Iraq's acquisition of high-strength aluminum tubes was intended for an Iraqi nuclear program. The findings do support the assessments in the NIE of the Department of Energy's Office of Intelligence and the State Department's Bureau of Intelligence and Research (INR) that the aluminum tubes were likely intended for a conventional rocket program. The ISG investigated several indicators which the Central Intelligence Agency and Defense Intelligence Agency judged were indicative of a centrifuge end use, including high-level interest in the tubes, the tubes material properties and tight manufacturing tolerances. The ISG found plausible information that the indicators actually suggested a conventional rocket program intent. In postwar debriefings, scientists from Iraq's nuclear program as well as from Iraq's rocket program indicated that the tubes were

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sought for improvements in the rocket program. Additionally, the former head of Iraq's nuclear program, Ja'far Diya Ja'far, stated that using the tubes for a centrifuge program was impractical and there would be significant technical challenges. The ISG found that Iraq had reverse-engineered the Italian Medusa 81mm air to ground rocket and revised the drawings multiple times over the years in order to make it a ground to ground rocket. It also found that the type of aluminum used in the tubes acquired by the Iraqis was identical to that used in the Italian rocket. Multiple officials involved in Iraq's rocket program indicated there was high level interest in improving the 81mm rocket's accuracy, and, in 2000, a seventeen member Committee was formed to address the problem. One solution was to tighten the specifications of the aluminum tubes.

(U) Conclusion 3: Postwar findings do not support the 2002 National Intelligence Estimate (NIE) assessment that Iraq was "vigorously trying to procure uranium ore and yellowcake" from Africa. Postwar findings support the assessment in the NIE of the State Department's Bureau of Intelligence and Research (INR) that claims of Iraqi pursuit of natural uranium in Africa are "highly dubious." On March 7, 2003, before the start of Operation Iraqi Freedom, the IAEA reported its analysis to the United National General Assembly that "documents which formed the basis for the reports of recent uranium transactions between Iraq and Niger are in fact not authentic. In a March 11, 2003 assessment for policymakers, the CIA said it did not dispute the IAEA Director General's conclusion. The assessment noted the "fragmentary and unconfirmed" nature of the information and noted that "we could not confirm these reports and have questions regarding some specific claims. Nonetheless, we are concerned that these reports may indicate Baghdad has attempted to secure an unreported source of uranium yellowcake for a nuclear weapons program." The FBI has not yet completed its investigation into the source and history of the forged documents.

(U) The ISG found no evidence that indicated Iraq sought uranium from Africa. The ISG did recover evidence that Iraq explicitly turned down an offer to purchase uranium from the Democratic Republic of the Congo. An Iraqi Intelligence

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Service document discovered in Iraq describes an attempt by a Ugandan businessman to provide uranium from the Democratic Republic of the Congo to Iraq. The document includes Iraq's rejection of the offer and states "we told him we don't deal with these materials and we explained to him the circumstances of Iraq and the imposed sanctions, and that Iraq is not concerned about these matters right now." Iraq had two contacts with Niger after 1998, but neither involved the purchase of uranium. The purpose of a visit to Niger by the Iraqi Ambassador to the Vatican, Wissam al-Zahawie, was to invite the president of Niger to visit Iraq. The other visit involved discussions of a Nigerien oil purchase from Iraq.

(U) Conclusion 4: Postwar findings do not support the 2002 National Intelligence Estimate (NIE) assessment that "Iraq has biological weapons" and that "all key aspects of Iraq's offensive biological weapons (BW) program are larger and more advanced than before the Gulf war." The ISG concluded that Iraq appeared to have destroyed its undeclared stocks of BW agent shortly after the 1991 Gulf War, but embarked on an effort to hide its primary production facility, al Hakam, and conceal the extent of its prewar activities. After the defection of Saddam's Hussein's son-in-law, Hussein Kamil, Iraq admitted the existence of its pre-Gulf War BW program and the UN, in 1996, supervised the destruction of al Hakam. The ISG found, however, that Iraq never fully disclosed the amount of BW agents it had produced prior to 1991, the locations where they were stored or the amount destroyed, making it difficult to assess the true nature and maturity of Iraq's pre-Gulf War BW program. The ISG found no direct evidence that Iraq maintained stocks of BW weapons or possessed bulk BW agents after 1996.

(U) Although Iraq no longer had a large scale BW production capability after 1996, Iraq did retain an inherent dual-use BW capability. Iraq retained technical BW know-how through scientists who were involved in the pre-1991 BW program, as well as civilian facilities and equipment that could be bent to a BW purpose. Iraq also retained some BW-related seed stocks until after Operation Iraqi Freedom; and conducted BW-applicable research after 1996, but the ISG judged that the research was not conducted for the purposes of a BW program.

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The ISG assessed that Iraq could have re-established an "elementary" BW program within a few weeks to months, but would have faced great difficulty in re-establishing an effective BW agent production capability. In addition, the ISG found no evidence that Iraq had plans after 1996 for a new BW program or was conducting BW-specific work for military purposes. The ISG found undeclared covert laboratories used by the Iraqi Intelligence Service for research in BW agents until the mid-1990s. While uncertain of the laboratories' purpose, the ISG noted that the work probably included development of poisons for assassination. The ISG found no "conclusive links" between these labs and a BW effort despite speculation and rumor of a possible BW role. Thus, while the Intelligence Community correctly identified many Iraqi dual-use BW capabilities, it incorrectly judged that they represented an active BW program.

(U) Conclusion 5. Postwar findings do not support the 2002 National Intelligence Estimate (NIE) assessment that Iraq possessed, or ever developed, mobile facilities for producing biological warfare (BW) agents. The ISG found no evidence that Iraq had developed mobile BW production facilities as alleged in prewar intelligence reporting, largely from the HUMINT source codenamed CURVE BALL. In an attempt to verify CURVE BALL's reporting, the ISG exploited multiple sites in Iraq alleged to have a connection to a mobile BW production capability and interviewed over sixty individuals linked either to potential biological warfare sites or to CURVE BALL. All individuals questioned by the ISG denied the existence of a mobile biological warfare production capability. Additionally, the ISG discovered other information in Iraq which contradicted CURVE BALL's prewar reporting.

(U) In the early days of Operation Iraqi Freedom, Coalition forces discovered two suspect trailers, which were examined by three investigative teams with different results. Two teams examined the first trailer in April 2003, one concluding that the trailer was "capable of supporting a limited biological batch production process" and the other that the trailer was "probably the latest generation of the reported Iraqi Transportable BW Production Trailer." Both trailers were examined in May 2003 by an interagency exploitation team, which concluded that "the

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trailer could not be used as a transportable biological production system as the system is presently configured."

(U) In response to questions raised by the earlier reports, the ISG examined the trailers as part of its investigation of the alleged mobile BW program and found that eleven design features of a fermentor, critical to a BW production capability, were not present on the fermentor in the mobile trailer, and that ten of those features would require major reconfiguration to be transformed into a BW-capable fermentor. The ISG judged that the trailers were impractical for biological agent production and almost certainly designed and built for hydrogen generation.

(U) Conclusion 6: Concerns existed within the Central Intelligence Agency's (CIA) Directorate of Operations (DO) prior to the war about the credibility of the mobile biological weapons program source code-named CURVE BALL. The concerns were based, in part, on doubts raised by the foreign intelligence service that handled CURVE BALL and a third service. The Committee has no information that these concerns were conveyed to policymakers, including members of the U.S. Congress, prior to the war. The Committee is continuing to investigate issues regarding prewar concerns about CURVE BALL's credibility. The information provided by CURVE BALL served as the primary basis for the Intelligence Community's assessments of Iraq's mobile biological weapons (BW) program. In March 2001, the foreign intelligence service handling CURVE BALL had informed CIA that CURVE BALL had changed some of his stories. In April 2002, another foreign service conveyed to the CIA doubts about CURVE BALL's reliability, saying it was "inclined to believe a significant part of his reporting is true. Even so, we are not at this point convinced that he is a wholly reliable source," noting inconsistencies in his reporting and that his behavior seemed "typical of individuals who we would normally assess to be fabricators."

(U) On December 20, 2002, the Chief of the relevant station cabled CIA headquarters regarding a discussion with the head of the foreign intelligence service handling CURVE BALL and providing a summary of a letter to the DCI

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from that service head. The cable noted that, according to the head of the foreign intelligence service, CURVE BALL's reporting on mobile facilities "has not been verified." The CIA station did not send the actual letter from the head of the foreign service to CIA headquarters until February 2003. In January 2003, the same Chief of Station cautioned CIA headquarters in another cable to "take the most serious consideration" before using CURVE BALL's information publicly.

(U) Despite these concerns, and the fact that debates occurred between officers in the CIA's Directorate of Operations and Directorate of Intelligence about CURVE BALL's credibility, CURVE BALL's reporting was included, without caveat, in Secretary of State Powell's address to the United Nations on February 5, 2003. The former Director of Central Intelligence George Tenet testified before the Committee in July 2006 that he was not given and was not aware of the existence of these cables or the foreign intelligence service letter and the Committee has found no evidence that indicates anyone provided the documents to him. Policymakers, including the U.S. Congress, were not appropriately informed of the doubts that Intelligence Community officers had about CURVE BALL's reliability, and may have reached different conclusions about Iraq's biological weapons program had they been informed. CIA and DIA issued a joint fabrication notice and recalled CURVE BALL's reporting on May 26, 2004.

(U) Conclusion 7: Postwar findings do not support the 2002 National Intelligence Estimate (NIE) assessments that Iraq "has chemical weapons" or "is expanding its chemical industry to support chemical weapons (CW) production." The ISG uncovered no evidence indicating that Iraq maintained a stockpile of chemical weapons or had been producing chemical weapons. The ISG found that Iraq likely destroyed its chemical weapons stockpiles after the Gulf War due to invasive UN investigations. Iraq declared the destruction of these materials to the UN shortly thereafter. Postwar interviews of the senior Iraqi scientist responsible for the destruction support this finding. Since the spring of 2003, coalition forces have discovered approximately 500 filled and unfilled degraded chemical munitions. All of the munitions appear to be pre-1991 CW and not part of an active weapons stockpile. After 1996, Iraq's chemical industry

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began rapidly expanding, but there is no evidence of any correlation to a CW program. Postwar inspections of the sites suspected of having a CW role revealed that they were likely used for the production of non-CW dual use materials, and had a limited capability to restart the manufacture of CW. The ISG also found that Iraq used a tanker-truck, believed by the Intelligence Community to be a signature of CBW activity, to transport water for benign purposes. The ISG found that at the start of Operation Iraqi Freedom, Iraq had not regained its pre-1991 Gulf War technical or production capability.

(U) Conclusion 8: Postwar findings support the 2002 National Intelligence Estimate (NIE) assessment that Iraq had missiles which exceeded United Nations (UN) range limits. The findings do not support the assessment that Iraq likely retained a covert force of SCUD variant short range ballistic missiles (SRBMs). Postwar findings of the ISG confirm the Intelligence Community's assessment that Iraq developed the Al Samud II and Al Fat'h (formerly Ababil-100) missiles with procurements prohibited by UN sanctions, or subject to UN verification, and the missile ranges exceeded 150-km, in violation of UN prohibitions. The ISG found numerous instances where Iraq disregarded UN prohibitions and sought to improve its missile capabilities. The ISG found that Saddam did not consider ballistic missiles to be WMD and he never accepted the missile range restrictions imposed by the UN, although in late February 2003, he ultimately acquiesced to UN demands that the Al Samud II inventory be destroyed. Additionally, flight test data recovered by the ISG confirm that both the Al Samud II and the Al Fat'h had ranges in excess of 150-km. These findings support the Intelligence Community's assessment that Iraq was developing and testing SRBMs which were capable of flying beyond the UN-administered 150-km range limit. The ISG's interviews, site visits, and exploitation of documents indicate that Iraq unilaterally destroyed its Scud-type ballistic missiles in 1991. One Iraqi document, which had never been provided to the UN, showed the disposition, by serial number, of all 819 Scud missiles imported from Russia.

(U) Conclusion 9: Postwar findings do not support the 2002 National Intelligence Estimate (NIE) assessments that Iraq had a developmental

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program for an Unmanned Aerial Vehicle (UAV) "probably intended to deliver biological agents" or that an effort to procure U.S. mapping software "strongly suggests that Iraq is investigating the use of these UAVs for missions targeting the United States." Postwar findings support the view of the Air Force, joined by DIA and the Army, in an NIE published in January 2003, that Iraq's UAVs were primarily intended for reconnaissance. The ISG found that Iraq had developmental UAVs, but no evidence that Iraq conducted any research to develop a CBW capability for them. A senior Iraqi scientist involved with the UAV program told the ISG that the development was for reconnaissance. The ISG found no evidence that the UAVs had a dispersal capability, but noted that it would have been possible to adapt the UAVs for CBW delivery. The ISG found that, in the early 1990s, Iraq attempted to develop a CBW delivery system for a remotely piloted vehicle (RPV), but found no reason to believe that prior to OIF Saddam Hussein was re-examining RPVs for CBW delivery. The ISG also found no evidence to suggest that Iraq intended to use the UAVs for missions targeting the United States. The ISG found that Iraq's procurement of U.S. mapping software, judged by some intelligence agencies to be indicative of an intent to target the United States, was not intentional; rather, it was bundled with an autopilot package Iraq sought.

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III. IRAQI LINKS TO Al-QA'IDA

(U) The purpose of this section is to assess the accuracy of the Intelligence Community's prewar analysis on links between the regime of Saddam Hussein and al-Qa'ida using information collected since Operation Iraqi Freedom. The studies conducted by the 9/11 Commission, the Iraq Survey Group and the Silberman-Robb Commission only tangentially addressed the topic of intelligence relating to Iraq and terrorism. The Committee's judgments in this section are therefore independent of those studies.

(U) This section of the report will describe the Intelligence Community's prewar assessments regarding Iraq's links to al-Qa'ida. It compares those assessments to documents and other intelligence gathered after the start of Operation Iraqi Freedom in order to assess the accuracy of the prewar judgments.

(U) In the absence of a single comprehensive Intelligence Community analytic product on Iraq's links to terrorism, such as a National Intelligence Estimate (NIE), the Committee established a "baseline" of prewar intelligence assessments by examining a range of intelligence analysis from the various all-source analytic agencies. The baseline also includes pertinent testimony to Congress from the Director of Central Intelligence. The Committee requested and reviewed all analysis from each of the all-source intelligence agencies regarding Iraq's links to al-Qa'ida, but focused on the most comprehensive assessments for the purposes of establishing the baseline assessments. In particular, the Committee relied on the September 2002 CIA assessment, *Iraqi Support for Terrorism*, which was coordinated with DIA, and the January 2003 version of the same paper, which was not coordinated outside the CIA. The Committee also included other assessments from Intelligence Community agencies that diverged from the baseline assessments.

(U) The Committee also examined a June 2002 CIA paper, *Iraq and al-Qa'ida: Interpreting a Murky Relationship*. The paper's scope note stated that it responded to senior policymaker interest in a comprehensive assessment of Iraqi

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regime links to al-Qa'ida and noted that the CIA's approach was "purposefully aggressive in seeking to draw connections, on the assumption that any indication of a relationship between these two hostile elements could carry great dangers to the United States."

(U) The former CIA Deputy Director of Intelligence told the Committee that she asked the analysts writing the *Murky* paper to "lean far forward and do a speculative piece," and asked them, "if you were going to stretch to the maximum the evidence you had, what could you come up with?"[152] Because of the "forward leaning" nature of this analysis, the Committee did not use judgments that were only found in the *Murky* paper to help establish the Intelligence Community's baseline analysis. Judgments from the *Murky* paper are included if they were substantively similar to those of other assessments.[153]

(U) The Committee examined Intelligence Community assessments in six main categories:

- Views of the relationship between the Iraqi government and al-Qa'ida;
- Iraqi government contacts with al-Qa'ida;
- Iraqi government training of al-Qa'ida in chemical-biological weapons, poisons or terrorist tactics;
- Iraqi government provision of "safehaven" for al-Qa'ida;
- Iraqi government knowledge and/or support for the attacks of September 11, and;
- Iraqi government use of al-Qa'ida terrorists as a response to threat of invasion by the United States.

(U) In order to assess the accuracy of prewar analysis, the Committee compared those assessments to raw intelligence reporting, including document

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[152] Committee staff interview w/ CIA Dep. Director of Intelligence, January 29, 2004.

[153] For a fuller discussion of the *Murky* paper and CIA controversy surrounding that paper, see first Iraq report from the Senate Select Committee on Intelligence, *U.S. Intelligence community's Prewar Intelligence Assessments on Iraq*, July 9, 2004, p. 305-6.

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exploitation summaries and detainee information, collected since March 19, 2003. The Committee augmented this effort by soliciting the Intelligence Community's judgments of the accuracy of their own prewar assessments. Appendix 1 provides a summary of the postwar efforts undertaken by each agency to assess the accuracy of their prewar analysis on the subject of the former Iraqi regime's connections to al-Qa'ida.

(U) The CIA has not published a "fully researched, coordinated and approved position" on the postwar reporting on the former regime's links to al-Qa'ida, but has published such a paper on the postwar reporting on Abu Mus'ab al-Zarqawi and the former Iraqi regime. The CIA told the Committee that regarding Iraq's links to terrorism, "the research the Counterterrorist Center has done on this issue has called into question some of the reports of contacts and training . . . revealed other contacts of which we were unaware, and shed new light on some contacts that appeared in prewar reporting. On balance, this research suggests that the prewar judgment remains valid."[154]

(U) Responding to Congressionally Directed Action in House Report 108-561, the Inspector General of the Central Intelligence Agency completed a comprehensive report assessing CIA's pre-9/11 reporting of the relationship between the Saddam Hussein regime and al-Qa'ida. The report did not assess reporting after September 12, 2001; it also did not assess any intelligence collected since the onset of Operation Iraqi Freedom. In sum, the report concluded:

> The data reveal few indications of an established relationship between al-Qa'ida and Saddam Hussein's regime before September 11, 2001.[155]

(U) The Defense Intelligence Agency (DIA), which is leading the exploitation effort of documents (DocEx) uncovered in Iraq, told Committee staff that 120 million plus pages of documents that were recovered in Iraq have

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[154] CIA Response to SSCI Questions, September 2, 2005.

[155] CIA, Inspector General Report, December 21, 2005.

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received an initial review for intelligence information. As of January 2006, 34 million pages have been translated and summarized to some extent and are available to analysts in an Intelligence Community database.

(U) The initial DocEx review focused on searching for WMD related documents, but the DIA also examined the documents for material related to Iraq's link to terrorism. DIA officials explicitly stated that they did not believe that the initial review process missed any documents of major significance regarding Iraq's links to terrorism. During an interview with Committee staff, the lead DIA analyst who follows the issue of possible connections between the Iraqi government and al-Qa'ida noted that the DIA "continues to maintain that there was no partnership between the two organizations."[156]

(U) The following sections begin by outlining the prewar assessments of the Intelligence Community in each of the six areas described above and reviewing the Committee's conclusions from its July 2004 report on prewar intelligence. The final portion of each section evaluates the accuracy of the Intelligence Community's prewar assessments in light of information acquired since Operation Iraqi Freedom.

A. Assessments of the Relationship Between Iraq and al-Qa'ida

(U) One key aspect of prewar analysis focused on the intentions and motivation for a potential Iraq-al-Qa'ida partnership. In prewar assessments, the Intelligence Community had little specific intelligence reporting that revealed Saddam Hussein's personal opinion about dealing with al-Qa'ida. Instead, analysts looked at Saddam's record of support for secular terrorist organizations like the Palestinian Liberation Front. At the same time, analysts noted that "Saddam has viewed Islamic extremists operating inside Iraq as a threat, and his regime since its inception has arrested and executed members of both Shia and

[156] Interview with DIA officials, December 6, 2005.

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Sunni groups to disrupt their organizations and limit their influence."[157] The CIA noted that "our assessment of al-Qa'ida's ties to Iraq rests on a body of fragmented, conflicting reporting from sources of varying reliability."[158]

(U) In June 2002, the CIA characterized the relationship between Saddam and bin Ladin:

> In contrast to the traditional patron-client relationship Iraq enjoys with secular Palestinian groups, the ties between Saddam and bin Ladin appear much like those between rival intelligence services, with each trying to exploit the other for its own benefit.[159]

(U) In January 2003, the CIA stated that "Saddam Husayn and Usama bin Ladin are far from being natural partners."[160] Prior to the war, the CIA pointed to reports of contacts, claims of training, and discussions of Iraqi safehaven for Usama bin Ladin and his organization dating from the early 1990s.[161] The CIA noted a lack of specific intelligence reporting on Saddam's personal attitude toward dealing with al-Qa'ida, but stated that "his record suggests that any such ties would be rooted in deep suspicion."[162]

(U) The Intelligence Community also had limited intelligence reporting on the al-Qa'ida leadership's decisions regarding a relationship with Iraq. The Intelligence Community relied, in large part, on information from al-Qa'ida detainees to judge bin Ladin's attitude toward a relationship with Saddam Hussein. This information proved contradictory, with some reports indicating a

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[157] CIA, *Iraqi Support for Terrorism*, January 29, 2003, p. 13.

[158] CIA, *Iraq and al-Qa'ida: Interpreting a Murky Relationship*, June 21, 2002, p. I.

[159] *Id at* p. 1.

[160] CIA, *Iraqi Support for Terrorism*, January 29, 2003, p. 11.

[161] *Id* at p. I.

[162] CIA, *Iraqi Support for Terrorism*, January 29, 2003, p. 12.

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desire to seek assistance from Saddam Hussein and others indicating al-Qa'ida leaders were opposed to any association with the secular Iraqi regime. Information received from detainees noted an internal struggle within al-Qa'ida over the wisdom of working with the Iraqis. The CIA explained this in *Iraqi Support for Terrorism*, noting:

> Detainee information from high-ranking al-Qa'ida officials and associates suggests there was an intense debate within the al-Qa'ida leadership in Afghanistan over the risks and benefits of working with Baghdad, and that bin Ladin generally opposed collaboration.[163]

(U) Based on the limited information available about the relationship, *Iraqi Support to Terrorism* concluded that:

> Iraq's interaction with al-Qa'ida is impelled by mutual antipathy toward the United States and the Saudi royal family and by bin Ladin's interest in unconventional weapons and relocation sites. In contrast to the patron-client pattern between Iraq and its Palestinian surrogates, the relationship between Saddam and bin Ladin appears to more closely resemble that of two independent actors trying to exploit each other – their mutual suspicion suborned by al-Qa'ida's interest in Iraqi assistance, and Baghdad's interest in al-Qa'ida's anti-U.S. attacks.[164]

(U) During his testimony to the Senate Select Committee on Intelligence in September 2002, Director of Central Intelligence George Tenet stated that, "The intelligence indicates that the two sides at various points have discussed safe-haven, training and reciprocal non-aggression. There are several reported

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[163] CIA, *Iraqi Support for Terrorism*, January 29, 2003, p. ii.

[164] *Id.* at p. ii.

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suggestions by al-Qa'ida to Iraq about joint terrorist ventures, but in no case can we establish that Iraq accepted or followed up on these suggestions."[165]

(U) In a July 2002 assessment, the DIA stated that "compelling evidence demonstrating direct cooperation between the government of Iraq and al-Qa'ida has not been established, despite a large body of anecdotal information."[166] An earlier DIA assessment noted that "the nature of the regime's relationship with al-Qa'ida is unclear."[167]

1. SSCI July 2004 Report Conclusion-The Relationship Between Iraq and al-Qa'ida

(U) The Senate Intelligence Committee's July 2004 report concluded that the CIA's methodological approach for assessing a possible Iraq–al-Qa'ida relationship was reasonable and objective. The Committee noted that the CIA acknowledged the lack of specific information on bin Ladin's and Saddam Hussein's views of a relationship and that CIA based assessments of Iraq's links to al-Qa'ida on circumstantial evidence. The Committee report stated that CIA appropriately noted in the Scope Note of *Iraqi Support for Terrorism* that the Agency's understanding of a relationship continued to evolve, and relied on four indicators: contacts, training, safehaven, and operational cooperation. The analysis was detailed, did not make definitive statements, and left the issue open for the consumer to decide what constituted a "relationship."[168]

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[165] DCI, Testimony to SSCI, September 17, 2002, p. 24.

[166] DIA, Special Analysis, July 31,2002, p. 1.

[167] DIA, Special Analysis, March 28, 2001, p. 1.

[168] *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq,* Senate Select Committee on Intelligence, S. Rept. 108-301, July 7, 2004.

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2. Postwar Information - The Relationship Between Iraq and al-Qa'ida

(U) According to debriefs of multiple detainees–including Saddam Hussein and former Deputy Prime Minister Tariq Aziz– and captured documents, Saddam did not trust al-Qa'ida or any other radical Islamist group and did not want to cooperate with them. Hussein reportedly believed, however, that al-Qa'ida was an effective organization because of its ability to successfully attack U.S. interests.[169]

(U) The FBI provided two summaries of statements made by Saddam Hussein regarding his regime's relationship with al-Qa'ida. The summary said that when told there was clear evidence that the Iraqi government had previously met with bin Ladin, Saddam responded, "yes." Saddam then specified that Iraq did not cooperate with bin Ladin. In response to the suggestion that he might cooperate with al-Qa'ida because "the enemy of my enemy is my friend," Saddam answered that the United States was not Iraq's enemy. He claimed that Iraq only opposed U.S. policies. He specified that if he wanted to cooperate with the enemies of the U.S., he would have allied with North Korea or China.[170]

(U) According to Tariq Aziz, "Saddam only expressed negative sentiments about bin Ladin."[171] Aziz told the FBI that "when the Taliban was in power, the Iraq government deliberately avoided opening an embassy in Kabul."[172] Aziz underscored Saddam's distrust of Islamic extremists like bin Ladin, stating that when the Iraqi regime started to see evidence that Wahabists had come to Iraq, "the Iraqi regime issued a decree aggressively outlawing Wahabism in Iraq and threatening offenders with execution."[173]

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[169] FBI, IIR: Interview with Aziz Regarding former Regime's Posture Toward al-Qa'ida, June 2004.

[170] FBI, Response to SSCI Questions, p. 3.

[171] FBI, IIR: Interview with Aziz Regarding former Regime's Posture Toward al-Qa'ida, June 2004.

[172] *Id.*

[173] *Id.*

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(U) The FBI noted that after the attacks on the U.S. embassies in East Africa, Aziz reported that Saddam "was pleased at the act of terrorism because the U.S. had bombed Iraq during the first Gulf War and tried to kill Saddam. Saddam thought that al-Qa'ida was an effective organization."[174]

(U) During the FBI's debrief of a top official in Saddam's government, Abid Hamid Mahmoud al-Kattab al-Tikriti, al-Tikriti noted that Saddam Hussein's position was that Iraq should not deal with al-Qa'ida. The debrief noted that Saddam mandated his position in a Presidential general order, but it did not say when Saddam gave the order. Al-Tikriti admitted the existence of a "weak" connection between the Iraqi Intelligence Service (IIS) and al-Qa'ida for the purpose of the IIS collecting intelligence on al-Qa'ida.[175]

(U) In 2004, the ISG obtained a copy of an IIS document from an official of the Iraqi National Congress that summarizes and highlights the activities of an IIS team in 1992. In 1992, the IIS wanted to reestablish contact with previous sources and recruit new sources after the closure of embassies during the first Gulf War. The 20 page document contains a single entry in the context of a list of old and new sources about bin Ladin which states: "The Saudi, Usama bin Ladin known Saudi merchant, a Saudi opposition official in Afghanistan. The Syria section has a relationship with him." [176]

(U) In March 2004, ISG officers showed the document to two high-level IIS detainees. Both of the IIS officers believed the document was genuine. In addition, Faruq al-Hijazi, whose signature was on the document, confirmed its authenticity.[177] In a separate effort to authenticate the document, CIA officers

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[174] FBI, IIR: Interview with Aziz Regarding former Regime's Posture Toward al-Qa'ida, June 2004.

[175] FBI, Response to SSCI Questions, December 2, 2004.

[176] DIA, Information Paper, p.1.

[177] CIA, Response to SSCI Question of June 1, 2006.

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showed it to a former senior IIS officer who believed the document was genuine. The FBI also showed the document to an asset who stated that it was legitimate.[178]

(U) In 2004, the DIA explained that "the document does not specify the nature of the relationship. One likely explanation is that bin Ladin's public dispute with Saudi Arabia's decision to allow forces on Saudi soil during the Gulf War drew the attention of Iraqi officials."[179]

(U) DIA further explained that, "In March 1992, bin Ladin was living in Sudan after being exiled from Saudi Arabia in 1991. The document's association with Afghanistan is probably a dated reference to bin Ladin's publicly known time as an anti-Soviet mujahidin."[180]

(U) DIA noted that "it is unclear why the IIS Syria section would have the lead relationship with bin Ladin when he was based in Sudan. It may have been personality driven. Faruq Hijazi served as the regional manager for Jordan, Lebanon, Syria and the Arabian Gulf countries from 1983-1991."[181] As discussed later in this paper, bin Ladin met with Faruq Hijazi in Sudan in 1996.

B. Contacts between the Hussein Regime and al-Qa'ida

(U) Prior to the war, the Intelligence Community devoted extensive resources to analyzing reporting of meetings and contacts between al-Qa'ida and the Saddam Hussein regime. Reports of contacts began in the early 1990's and continued throughout the decade. Most analysis focused on possible meetings in Sudan.

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[178] FBI, Response to SSCI Question of June 1, 2006.

[179] DIA, Information Paper, p. 1.

[180] *Id.* at p. 1.

[181] *Id.* at p. 1.

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(U) In January, 2003, the CIA summarized the intelligence reporting regarding Iraq's direct contacts with al-Qa'ida:

> We have reporting from reliable clandestine and press sources that at least eight direct meetings between senior Iraqi representatives and top al-Qa'ida operatives took place from the early 1990s to the present. Several dozen additional direct or indirect such meetings are attested to by less reliable clandestine and press sources during the same period.[182]

(U) *Iraqi Support to Terrorism* noted that "Sudan–where National Islamic Front leader Hassan al-Turabi reportedly helped bin Ladin develop contacts with Iraq and possibly Iran–was an important venue for early meetings."[183] In addition, the assessment highlighted possible contacts between bin Ladin and a senior IIS official, Faruq Hijazi, who oversaw sensitive military and intelligence operations with direct guidance from Saddam Hussein. The CIA noted that foreign government intelligence service reporting indicated that bin Ladin met with Hijazi in Khartoum in January 1996. The CIA stated that it lacked information about the content of their conversation. Reporting of other possible Hijazi meetings with Bin Ladin were said to be based on weaker evidence than the reporting of the 1996 visit. [184]

(U) In its July 2002 Special Analysis, the DIA focused on contacts between al-Qa'ida and Iraq by examining the activities of Ansar al-Islam, a radical Islamic organization based in Kurdish-controlled northern Iraq. The DIA said that "Baghdad may have an indirect tie to al-Qa'ida through the militant Islamic Kurdish group Ansar al-Islam," but noted various reports alleging regime complicity with this troublesome organization, "each also has flaws that

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[182] CIA, *Iraqi Support for Terrorism*, January 29, 2003, p. 13.

[183] *Id.*, at 13.

[184] *Id.*, at 13.

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undermine confidence in the reporting."[185] The DIA said that al-Qa'ida "has proven ties to Ansar al-Islam" but noted that there were no indications of an Iraqi government role in these activities. The DIA concluded that:

> Should regime support to Ansar al-Islam be proven, this will not necessarily implicate the regime in supporting al-Qa'ida. Ansar al-Islam is an independent organization that receives assistance from al-Qa'ida, but is not a branch of the group. The Iraqi regime seeks to influence and manipulate political events in the Kurdish-controlled north and probably has some type of assets in contact with Ansar al-Islam, either through liaison or through penetration by an intelligence asset.[186]

1. SSCI July 2004 Report Conclusion - Contacts

(U) The Senate Intelligence Committee concluded that the CIA "reasonably assessed that there were likely several instances of contacts between Iraq and al-Qa'ida throughout the 1990s, but that these contacts did not add up to an established formal relationship." The Committee concluded that the CIA reasonably noted limitations on the available reporting on contacts and in most cases was only able to confirm a meeting had taken place, not what occurred at the meeting. [187]

2. Postwar Information - Contacts

(U) Based on detainees and other information, the Intelligence Community has provided details on three contacts between Iraqi officials and al-Qa'ida members. Information from the FBI and the DIA indicates that one meeting

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[185] DIA, Special Analysis, July 31, 2002.

[186] DIA, Special Analysis, July, 31 2002.

[187] *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq,* Senate Select Committee on Intelligence, S. Rept. 108-301, July 7, 2004, p.337.

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between an Iraqi intelligence officer and al-Qa'ida took place in Sudan in 1995. In two additional cases, an al-Qa'ida representative unsuccessfully attempted to meet with senior Iraqi leaders in Baghdad. Each of these three contacts were initiated by al-Qa'ida. Details of these reported contacts are described below.

(U) Postwar debriefs provided information on the1995 meeting between bin Ladin and senior Iraq Intelligence Service official Faruq Hijazi. According to the FBI, Hijazi stated during his debriefing that he met bin Ladin once in Sudan in early 1995. The meeting came in response to a request to the Iraqi government through the government of Sudan on behalf of bin Laden. Hijazi told debriefers that he was selected by Saddam because he was secular, which would make him less sympathetic to bin Ladin's radical message. Hijazi also noted that Saddam gave him explicit instructions that he was "only to listen" and not negotiate or promise anything to bin Ladin.[188]

(U) During the meeting in Khartoum, bin Ladin reportedly asked that Iraq allow him to open an office in the country, provide him with Chinese sea mines, provide military training and broadcast the speeches of a radical anti-Saudi cleric Shaykh Salman al-Awdah. Hijazi told debriefers that once he returned to Iraq, he "wrote a negative report on the meeting with bin Ladin. Hijazi "criticized bin Ladin for his hostile speech and his insistence on the Islamization of Iraq." Hijazi said that he assessed that "working with bin Ladin would damage relations with Arab countries through the region."[189]

(U) According to Hijazi, Saddam immediately refused bin Ladin's requests for the office, mines and military training, but expressed some willingness to broadcast the requested speeches from the anti-Saudi cleric. Hijazi did not know if Iraq ever actually broadcast the speeches because he stated that Saddam delegated the decision to a lower level of the Iraqi government. Soon after Hijazi filed the report, he "received word from his IIS chain-of-command that he should

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[188] Debriefings of Faruq Hijazi.

[189] Debriefings Faruq Hijazi.

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not see bin Ladin again." Hijazi told debriefers that "this was his sole meeting with bin Ladin or a member of al-Qa'ida and he is not aware of any other individual following up on the initial contact."[190]

(U) A captured document states that bin Ladin asked Hijazi in the 1995 meeting to dedicate targeted broadcasting of sermons by Shaikh Sulayman al-Udah and to conduct joint operations against foreign forces in Saudi Arabia. The document is handwritten, from an unknown source, and without official stamps or markings. Although the Iraq Survey Group reported that handwritten records in Iraq were common,[191] the lack of formal document characteristics or signatures precludes a comparison with documents known to be authentic to determine signs of forgery. Nonetheless, the DIA assesses that the document is authentic based on an analysis of its content. The document describes Iraqi Intelligence Service contacts with Saudi oppositionists, including bin Ladin. The document does not indicate that Saddam agreed to joint operations with bin Ladin, but notes that Saddam "agreed to dedicate programs for targeted broadcasting." The document also states that "through dialogue and agreements we will leave the door open to further develop the relationship and cooperation between both sides."[192]

(U) A former high-ranking Iraqi official provided information about an unsuccessful attempt by al-Qa'ida to meet with Saddam Hussein in Baghdad in 1998. The former Iraqi official stated that in 1998 bin Ladin sent al-Qa'ida representative Abu Hafs al-Mauritani to Baghdad in order to request $10 million to be used to continue al-Qa'ida attacks against the West. According to the official, Saddam refused to meet with the Abu Hafs and explicitly rejected the request for assistance. Another senior Iraqi official stated that Saddam did not like bin Ladin because he called Saddam an "unbeliever."[193]

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[190] Debriefings of Faruq Hijazi.

[191] Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD, Regime Strategic Intent p. 9.

[192] DIA, Response to SSCI Request for Information, June 8, 2006.

[193] FBI, IIR, September 9, 2004, and Response to SSCI Question #5, December 2, 2004, p. 3.

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(U) In postwar debriefings conducted by the FBI, senior Iraqi official Abid Hamid Mahmud al-Khattab al Tikriti claimed that in 2002 Abu Hafs al-Mauritani traveled to Baghdad again in order to meet with senior Iraqi officials. According to al-Tikriti, Abu Hafs gained entry to the country by using fake passports and visas while crossing the Iranian border. Al-Tikriti told the FBI that once Saddam learned of Abu Hafs' presence in Iraq, Saddam directed that Abu Hafs should leave Iraq as soon as possible. Saddam asked al-Tikriti and his group of senior advisors why the al-Qa'ida representative had chosen to come to Iraq. Al-Tikriti told the FBI "Hussein was worried that the al-Qa'ida operative's presence in Baghdad would cause a problem for Iraq."[194]

(U) In May 2004, a review of previously unpublished intelligence from Abu Hafs al-Mauritani's travels indicated, according to one intelligence agency, that "it appears likely, in retrospect, that senior al-Qa'ida official, Abu-Hafs, the Mauritanian, visited Iraq at least once in June of 1998. He possibly also visited Iraq in March 1998, but this is less certain and based solely on circumstantial evidence.[195]

(U) Postwar information from the former Iraqi Ambassador to Sudan, Abdul Samad Hamid al-Qaisi, also supports the claim of Abu Hafs' visit to Baghdad. A variety of reporting corroborates Abu-Hafs visit in March 1998, while only one source suggests a visit in June 1998.

(U) During FBI postwar debriefings of Former Iraqi Vice President Taha Yasin Ramadan al-Jizrawi, Ramadan stated that prewar "press reports which claimed that he had met with al-Qa'ida leader Ayman al-Zawahiri were completely false. Ramadan denied having any connections to bin Ladin."[196]

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[194] FBI, Response to SSCI Question #5, December 2, 2004, p. 5.

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[196] FBI, IIR Interview with Former Iraqi VP Yasin, p. 3.

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(U) The Intelligence Community has not provided the Committee with any additional postwar information about contacts between Iraq and al-Qa'ida.

C. Training and Support in Chemical-Biological Weapons and Terrorism

(U) Prior to the war, the Intelligence Community examined the possibility that the Hussein regime had supplied al-Qa'ida operatives with various types of training. Analysis in this area generally focused on chemical-biological weapons training and in special operations and terrorist training at the Salman Pak facility in Iraq.

1. Training in Chemical and Biological Weapons

(U) The ability of al-Qa'ida to procure training in chemical and biological weapons (CBW) particularly concerned the Intelligence Community prior to the war. Prewar reporting about training varied in reliability and was often contradictory. Regarding Iraqi provided CBW training to al-Qa'ida, *Iraqi Support for Terrorism* judged:

> Details on training range from good reports from senior al-Qa'ida members to those of second-hand sources of varying reliability, often the result of long and opaque reporting chains or discussions of future intentions rather than evidence of completed training. The general pattern that emerges is of al-Qa'ida's enduring interest in acquiring CBW expertise from Iraq.

(U) CIA also stated that:

> Some of the most ominous suggestions of possible Iraqi–al-Qa'ida cooperation involve Bin Ladin's CBW ambitions. Although Iraq

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> historically has guarded closely its strategic weapons information, experts, and resources, Baghdad could have offered training or other support to al-Qa'ida.[197]

(U) The CIA relied heavily on the information obtained from the debriefing of detainee Ibn al-Shaykh al-Libi, a senior al-Qa'ida operational planner, to assess Iraq's potential CBW training of al-Qa'ida. The January 2003 paper, *Iraqi Support for Terrorism,* reported that al-Libi told a foreign intelligence service:

> Iraq–acting on the request of al-Qa'ida militant Abu Abdullah, who was Muhammad Atif's emissary–agreed to provide unspecified chemical or biological weapons training for two al-Qa'ida associates beginning in December 2000. The two individuals departed for Iraq but did not return, so al-Libi was not in a position to know if any training had taken place. [198]

(U) The September 2002 version of *Iraqi Support for Terrorism* stated that al-Libi said Iraq had "provided" unspecified CBW training for two al-Qa'ida associates in 2000, but also stated that al Libi "did not know the results of the training."[199] In the June 2002 paper, *Iraq and al Qa'ida: Interpreting a Murky Relationship*, the CIA also stated that al-Libi claimed Iraq had "provided" unspecified CBW training for two al-Qa'ida associates in 2000. That report omitted the qualification that al-Libi did not know the results of the training.[200]

(U) Although DIA coordinated on CIA's *Iraqi Support for Terrorism* paper, DIA analysis preceding that assessment was more skeptical of the al-Libi reporting. On February 22, 2002, soon after CIA first disseminated the al-Libi

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[197] CIA, *Iraqi Support for Terrorism*, January 29, 2003, p. 15.

[198] CIA, *Iraqi Support for Terrorism*, January 29, 2003, p. 15.

[199] CIA, *Iraqi Support for Terrorism*, September 2002, p. 12.

[200] CIA, *Iraq and al-Qa'ida: Interpreting a Murky Relationship*, July 2002, p. 6.

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debrief report, the DIA issued a Defense Intelligence Terrorism Summary which stated:

> This is the first report from Ibn al-Shaykh [al-Libi] in which he claims Iraq assisted al-Qa'ida's CBRN efforts. However, he lacks specific details on the Iraqi's involvement, the CBRN materials associated with the assistance, and the location where the training occurred. It is possible he does not know any further details; it is more likely this individual is intentionally misleading the debriefers. Ibn al-Shaykh has been undergoing debriefs for several weeks and may be describing scenarios to the debriefers that he knows will retain their interest. Saddam's regime is intensely secular and is wary of Islamic revolutionary movements. Moreover, Baghdad is unlikely to provide assistance to a group it cannot control.[201]

(U) A week later, on February 28, 2002, the DIA produced a special analysis that concluded:

> Iraq has been repeatedly accused of aiding al-Qa'ida's chemical and biological acquisition efforts. Despite recent information from a senior al-Qa'ida trainer currently in custody, all-source intelligence has not confirmed Iraq's involvement. Iraq is unlikely to have provided bin Ladin any useful CB knowledge or assistance.[202]

(U) In a July 2002 assessment DIA noted:

> It is plausible al-Qa'ida attempted to obtain CB assistance from Iraq and Ibn al-Shaykh is sufficiently senior to have access to such sensitive information. However, Ibn al-Shaykh's information lacks details concerning the individual Iraqis involved, the specific CB

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[201] DIA DITSUM, February 22, 2002.

[202] DIA, Special Analysis, February 28, 2002, p. 1.

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materials associated with the assistance and the location where the alleged training occurred. The information is also second hand, and not derived from Ibn al-Shaykh's personal experience.[203]

(U) DCI Tenet testified, on September 17, 2002, before the Senate Select Committee on Intelligence that "Iraq provided training to al-Qa'ida members in Iraq–of most concern, in the area of chemical and biological agents." Later in the same testimony, he discussed the varying reliability of sources, noting:

> There is evidence that Iraq provided al-Qa'ida with various kinds of training–combat, bomb-making, and chemical, biological, radiological and nuclear. Although Saddam did not endorse al-Qa'ida's overall agenda and was suspicious of Islamist movements in general, he was apparently not averse, under certain circumstances, to enhancing Bin Ladin's operational capabilities. As with much of the information on the overall relationship, details on training are second-hand or from sources of varying reliability.[204]

(U) The DCI subsequently testified in an open hearing before the Committee on February 11, 2003 stating that:

> [Iraq] has also provided training in poisons and gases to two al-Qa'ida associates. One of these associates characterized the relationship he forged with Iraqi officials as successful.[205]

(U) A November 2002 National Intelligence Estimate (NIE), published in January 2003, *Nontraditional Threats to the U.S. Homeland Through 2007*, also commented on possible Iraq–al-Qa'ida CBW training. The NIE said, "we have

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[203] DIA, Special Analysis, July 31, 2002.

[204] DCI, Testimony to SSCI, September 17, 2002.

[205] The Committee has asked the CIA to provide sources supporting the DCI's statements in the open hearing. The CIA has not yet responded to this request. The Committee is presently unable to determine the basis for the DCI's testimony.

[redacted]

[redacted]

credible reporting that al-Qa'ida leaders sought help from Baghdad in acquiring WMD capabilities and that Iraq provided training in bomb-making and, according to one detainee, in the area of chemical and biological agents."[206]

2. SSCI July 2004 Report Conclusions - CBW Training

(U) In July 2004, the Senate Select Committee on Intelligence concluded that the CIA reasonably and objectively assessed that the most problematic area of contact between Iraq and al-Qa'ida were the reports of training in the use of non-conventional weapons, specifically chemical and biological weapons. The Committee noted that after the war, a key detainee (al-Libi) had recanted his claim that al-Qa'ida members traveled to Iraq for chemical and biological weapons training. The Committee noted that no other reporting found in Iraq after the war began had corroborated the CBW training reports.[207]

3. Postwar Information - CBW Training

([redacted]) In January 2004, Ibn al-Shaykh al-Libi, the source of reports on al-Qa'ida's efforts to obtain CBW training in Iraq, recanted the information he provided. Al-Libi said he had a "strong desire to tell his entire story and identify why and how he fabricated information since his capture."[208] Al-Libi claimed that he fabricated "all information regarding al-Qa'ida's sending representatives to Iraq to try to obtain WMD assistance."[209] Al-Libi claimed that to the best of his knowledge al-Qa'ida never sent any individuals into Iraq for any kind of support in

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[206] NIE, *Non-Traditional Threats to the U.S. Homeland Through 2007*, Nov 2002, p. 17. *Note:* The NIE did not include a cite for this information, but the only detainee known have discussed this issue was al-Libi.

[207] *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq,* Senate Select Committee on Intelligence, S. Rept. 108-301, July 7, 2004. p. 339.

[208] CIA operational cable, February 4, 2004.

[209] CIA operational cable, February 4, 2004.

[redacted]

[redacted]

chemical or biological weapons, as he had claimed previously. [redacted][210]

([redacted]) Al-Libi told CIA debriefers in January 2004 that when he was detained by the United States in early 2002 one of his American debriefers told him that he had to tell "where bin Laden was and about future operations or the U.S. would give al-Libi to [another foreign service.]" [redacted] Al-Libi claimed that the debriefers told al-Libi that he would have to sleep on the floor of his cell if he did not talk. Later, according to al-Libi, debriefers repeated the threat to send al-Libi to a foreign country [redacted], instructed him to remove his heavy socks and gloves, and placed him on the floor of his cell. Although al-Libi only remained on the cold floor for fifteen minutes, he claimed he "decided he would fabricate any information the interrogators wanted in order to gain better treatment and avoid being handed over to [a foreign government.] [redacted][211]

(U) According to al-Libi, after his decision to fabricate information for debriefers, he "lied about being a member of al-Qa'ida. Although he considered himself close to, but not a member of, al-Qa'ida, he knew enough about the senior members, organization and operations to claim to be a member."[212] "Once al-Libi started fabricating information," he claimed, "his treatment improved and he experienced no further physical pressures from the Americans."[213]

([redacted]) After his transfer to a foreign government [redacted], al-Libi claimed that during his initial debriefings "he lied to the [foreign government service] [redacted] about future operations to avoid torture."[214] Al-Libi told the CIA that

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[210] CIA operational cable, February 19, 2004.

[211] CIA operational cable, February 5, 2004.

[212] CIA operational cable, February 5, 2004.

[213] CIA operational cable, February 5, 2004.

[214] CIA operational cable, February 5, 2004.

[redacted]

the foreign government service [redacted] explained to him that a "long list of methods could be used against him which were extreme" and that "he would confess because three thousand individuals had been in the chair before him and that each had confessed."[215]

([redacted]) According to al-Libi, the foreign government service [redacted] "stated that the next topic was al-Qa'ida's connections with Iraq. . . . This was a subject about which he said he knew nothing and had difficulty even coming up with a story." Al-Libi indicated that his interrogators did not like his responses and then "placed him in a small box approximately 50cm x 50cm." He claimed he was held in the box for approximately 17 hours. When he was let out of the box, al-Libi claims that he was given a last opportunity to "tell the truth." When al-Libi did not satisfy the interrogator, al-Libi claimed that "he was knocked over with an arm thrust across his chest and he fell on his back." Al-Libi told CIA debriefers that he then "was punched for 15 minutes."[216]

(U) Al-Libi told debriefers that "after the beating," he was again asked about the connection with Iraq and this time he came up with a story that three al-Qa'ida members went to Iraq to learn about nuclear weapons. Al-Libi said that he used the names of real individuals associated with al-Qa'ida so that he could remember the details of his fabricated story and make it more believable to the foreign intelligence service. Al-Libi noted that "this pleased his [foreign] interrogators, who directed that al-Libi be taken back to a big room, vice the 50 square centimeter box and given food."[217]

([redacted]) According to al-Libi, several days after the Iraq nuclear discussion, the foreign intelligence service debriefers [redacted] brought up the topic of anthrax and biological weapons. Al-Libi stated that he "knew nothing about a biological program and did not even understand the term biological." Al-

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[215] CIA operational cable, February 5, 2004.

[216] CIA operational cable, February 5, 2004.

[217] CIA operational cable, February 5, 2004.

[redacted]

Libi stated that "he could not come up with a story and was then beaten in a way that left no marks." According to al-Libi, he continued "to be unable to come up with a lie about biological weapons" because he did not understand the term "biological weapons."[218]

(U) In February 2004, the CIA reissued the intelligence reporting from al-Libi to reflect the recantations.

(U) The other reports of possible al-Qa'ida CBW training from Iraq were never considered credible by the Intelligence Community. No other information has been uncovered in Iraq or from detainees that confirms this reporting.

4. Terrorist Training at Salman Pak

(U) The Salman Pak Unconventional Warfare Training Facility was established in the late 1970's. Iraqi officials told UNSCOM inspectors that a counterterrorist unit was established at Salman Pak in 1985. Iraqi officials reiterated the claims and indicated that the IIS established the facility to train counterterror units.

(U) The January 2003 *Iraqi Support for Terrorism* noted that uncorroborated reporting since 1999 indicated that Iraq sponsored terrorism training for al-Qa'ida at the Salman Pak facility. *Iraqi Support for Terrorism* also said that:

> Reporting about al-Qa'ida activity at Salman Pak–ultimately sourced to three Iraqi defectors–surged after 11 September. The defectors claimed that al-Qa'ida and other non-Iraqis engaged in special operations training at Salman Pak. It was subsequently determined, however, that at least one of these defectors, whose story appeared in [redacted] magazine, had embellished and exaggerated his access.

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[218] CIA operational cable, February 5, 2004.

[redacted]

[redacted]

Others repeated similar information but apparently did not have first-hand access to it. No al-Qa'ida associates detained since 11 September have said they trained at Salman Pak.

(U) The CIA noted that additional information was needed before validating the information, because of sourcing difficulties and the fact that, at the time, al-Qa'ida could have offered such training at its own camps in Afghanistan.[219]

(U) In an April 2002 Special Analysis, the DIA reported on training at Salman Pak. They noted that unconfirmed reporting had previously tied the facility to terrorist training. The DIA assessed that "there has been no credible reporting on al-Qa'ida training at Salman Pak or anywhere else in Iraq."[220] In an October 2002 assessment, the DIA said, "there have been fragmentary reports that Iraq has more recently trained foreign Islamic extremists in terrorist tactics and techniques at this facility, but this has not been definitively established."[221] A November 2002 Special Analysis said "while there has been some recent unconventional training activity detected at Salman Pak in early-September, it is unclear whether al-Qa'ida or other Islamic extremists have been involved in these activities."[222]

5. Postwar Information on Salman Pak

(U) In a response to questions from Committee staff asking if DIA recovered or received information or intelligence, after the raid on Salman Pak in April 2003 that indicated non-Iraqis received terrorist training at the Salman Pak facility, DIA said it has "no credible reports that non-Iraqis were trained to conduct or support transnational terrorist operations at Salman Pak after 1991." DIA assessed that the foreigners were likely volunteers who traveled to Iraq in the months before

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[219] CIA, *Iraq Support for Terrorism*, January 2003, p. 18.

[220] DIA Special Analysis, April 2, 2002, p. 2.

[221] DIA Assessment, October 1, 2002.

[222] DIA Special Analysis, November 14, 2002.

[redacted]

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Operation Iraqi Freedom began to fight overtly alongside Iraqi military forces. "The Iraqi government encouraged this support . . . and trained these fighters in basic combat techniques. The former regime used the Salman Pak Unconventional Warfare Training Facility . . . to train a variety of Iraqi military and security elements and, DIA assesses, foreign fighters overtly aligned with Iraq." The facilities included a derelict aircraft and train intended for counterterrorism training."[223]

(U) DIA assessed that following Operation Desert Storm, Salman Pak became well known to the general public as a center for terrorist training, weapons of mass destruction storage and other sensitive activities. As a result, "fabricators and unestablished sources who reported hearsay or thirdhand information created a large volume of human intelligence reporting. This type of reporting surged after September 2001 and continued well after the capture of Salman Pak."[224]

(U) In response to a question from Committee staff about postwar information recovered at Salman Pak, DIA said it has "no information from Salman Pak that links al-Qa'ida with the former regime."[225]

(U) In June 2006, CIA told the Committee that:

> There was information developed after OIF that indicated terrorists were trained at Salman Pak; there was an apparent surge of such reporting. As with past information, however, the reporting is vague and difficult to substantiate. As was the case with the prewar reporting, the postwar sources provided few details, and it is difficult to conclude from their second-hand accounts whether Iraq was training al-Qa'ida members, as opposed to other foreign nationals.

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[223] DIA Response to questions from Committee staff, June 7, 2006.

[224] DIA Response to questions from Committee staff, June 7, 2006.

[225] DIA Response to SSCI Questions, July 17, 2003, p. 4.

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Postwar site exploitation of Salman Pak has yielded no indications that training of al-Qa'ida linked individuals took place there, and we have no information from detainees on this issue.[226]

(U) A November 2003 assessment from DIA noted that postwar exploitation of the facility found it "devoid of valuable intelligence." The assessment added that CIA exploitation "found nothing of intelligence value remained and assessed the Iraqi Intelligence Service (IIS) cleaned it out." The DIA assessment concluded that "we do not know whether the ex-regime trained terrorists on the aircraft at Salman Pak. Intelligence in late April 2003 indicated the plane had been dismantled. DIA and CENTCOM assess the plane was sold for scrap."[227]

(U) The Iraq Survey Group found that an Iraqi intelligence directorate, M14, which was responsible for training and special operations missions, used the Salman Pak facility to train Iraqis, Palestinians, Syrians, Yemeni, Lebanese, Egyptian, and Sudanese operatives in counterterrorism, explosives, marksmanship, and foreign operations.[228]

D. Iraqi Provision of Safehaven to al-Qa'ida

(U) Prior to the war, the Intelligence Community analyzed multiple reports regarding Iraq's provision of safehaven to al-Qa'ida. The Intelligence Community used the term safehaven to describe both active assistance to and passive acquiescence of al-Qa'ida operations.

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[226] CIA Response to Committee draft report, June 2006.

[227] DIA intelligence report, *The Salman Pak Facility*, November 10, 2003.

[228] Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD, (Regime Intent Section) at p. 78.

[redacted]

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(U) In the June 2002 CIA paper *Iraq and al-Qa'ida: Interpreting a Murky Relationship* analysts reported that:

> Reporting shows that unknown numbers of al-Qa'ida associates fleeing Afghanistan since December have used Iraq–including the Kurdish areas of northern Iraq, Baghdad, and other regions–as a safehaven and transit area. We lack positive indications that Baghdad is complicit in this activity, but the persistence of an al-Qa'ida presence and the operatives' silence about any harassment from Iraqi authorities may indicate that Baghdad is acquiescent or finds their presence useful.[229]

(U) In the September 2002 version of *Iraqi Support for Terrorism*, the CIA assessed that:

> There is no question that Iraq continues to be a safe haven, transit point, or operational base for groups and individuals who direct violence against the United States, Israel, and other allies.[230]

(U) The January 2003 version stated:

> A variety of reporting indicates that senior al-Qa'ida leaders and Iraqi officials have discussed safehaven in Iraq. It is not clear whether the Iraqi regime made a new offer of safehaven to al-Qa'ida after 11 September 2001, but . . . more than a dozen al-Qa'ida affliated extremists converged on Baghdad in the spring and summer of 2002. These operatives found a secure operating environment there. . .[231]

(U) Analysis in this area focused on the presence in Iraq of senior terrorist

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[229] CIA, *Iraq and al-Qa'ida: Interpreting a Murky Relationship*, June 21, 2002, p. 9.

[230] CIA, *Iraqi Support for Terrorism*, September 2002, p. ii.

[231] CIA, *Iraqi Support for Terrorism*, January 2003, p. 18.

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planner Abu Musab al-Zarqawi and the presence of al-Qa'ida fighters in Kurdish-controlled northern Iraq.

(U) In both versions of *Iraq Support for Terrorism,* the CIA noted that "senior terrorist planner Abu Musab al-Zarqawi arrived in Baghdad in late May 2002–possibly seeking medical treatment for war injuries."[232] The assessment said that the regime was aware of al-Zarqawi's presence, at a minimum, because a foreign government service gave Baghdad identifying information.[233] The CIA assessed that tracking al-Zarqawi's associates almost certainly was within the IIS's intelligence capabilities. However, Baghdad intelligence officials claimed that they could not find him. Because al-Zarqawi left Iraq about a month later, the CIA assessed that it was possible "Baghdad informed al-Zarqawi that his presence was known, but it is possible he left for other reasons."[234]

(U) The CIA assessed that al-Zarqawi "appears to be overseeing the operations of al-Qa'ida members in Kurdish-controlled Iraq, which includes poisons production, terrorist training, and operational support for terrorist attacks abroad."[235] The CIA assessed that "the al-Qa'ida presence in northeastern Iraq–we estimate about 100 to 200 members and associates in the area–began to increase late last year after the US military campaign began in Afghanistan, and an unknown number of individuals have arrived in other regions of the country including Baghdad."[236]

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[232] *Id,* at p. 18.

[233] *Id,* at p. 23.

[234] *Id,* at p.20.

[235] CIA, *Iraqi Support for Terrorism*, January 2003, p. 23.

[236] *Id.* at p. 18.

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(U) The January 2003 *Iraqi Support for Terrorism* noted that:

> An influx of al-Qa'ida assistance, operatives, and associates has made Kurdish-controlled northeastern Iraq–a mountainous no-man's land Baghdad has not controlled since 1991–an increasingly important operational hub for al-Qa'ida.[237]

(U) The CIA assessed that Abu Taisir, al-Qa'ida's primary facilitator in Kurdish-controlled northeastern Iraq, was the focal point for providing funds and materiel to operatives in the region, and secured poisons and toxic materials for al-Zarqawi's network. A variety of reporting led CIA analysts to believe that al-Qa'ida maintained a toxins laboratory in Sargat, a town in Kurdish-controlled Iraq. Abu Taisir reportedly was preparing contact poisons and ingestible compounds consistent with cyanide and possibly ricin.[238],[239]

(U) In a July 2002 assessment INR outlined similar concerns about these activities but noted that although a suspect compound near Abu Taisir's location had been identified, there was no evidence explicitly linking the facility to the production of toxic substances. INR also warned that al-Qa'ida associates working with Ansar al-Islam (a radical Islamic group located in Kurdish-controlled Iraq near the Iranian border prior to Operation Iraqi Freedom) appeared to be preparing for an attack.[240]

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[237] *Id*, at p.19.

[238] *Id*, at p. 20.

[239] *Id*, at p. 22.

[240] INR, *Al-Qa'ida: Possible CBW Deployed for Near-Term Attack*, Jul 02, p. 1.

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(U) The CIA summarized its overall views of possible Iraqi complicity regarding al-Zarqawi's presence and activities in Iraq as follows:

> The presence of al-Qa'ida militants on Iraqi soil poses many questions. We are uncertain to what extent Baghdad is actively complicit in this use of its territory by al-Qa'ida operatives for safehaven and transit. Given the pervasive presence of Iraq's security apparatus, it would be difficult for al-Qa'ida to maintain an active, long-term presence in Iraq without alerting the authorities or without at least their acquiescence.[241]

(U) Regarding al-Zarqawi's operations in northeastern Iraq, CIA judged that Baghdad probably had a window into al-Qa'ida activities in Kurdish-controlled Iraq via an individual named Abu Wa'il. Wa'il was identified as an IIS associate by three detainees held by the Patriotic Union of Kurdistan. The CIA noted that it lacked reporting that would help determine whether Wa'il was "informing Baghdad of al-Qa'ida associated activities; acting as a liaison between Baghdad, Ansar al-Islam and al-Qa'ida, or is Baghdad's point of contact for assisting Ansar al-Islam or al-Qa'ida."

(U) The January 2003 *Iraqi Support for Terrorism* also discussed al-Zarqawi's role in the assassination of USAID official Laurence Foley in Amman, Jordan on October 28, 2002. A detainee with knowledge of the operation indicated that al-Zarqawi directed and financed the assassination cell, "before, during, and after al-Zarqawi spent several months in Baghdad."[242] At the time of the CIA assessment, the Foley investigation indicated that al-Zarqawi's networks in Syria and Jordan carried out most of the attack planning.

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[241] CIA, *Iraqi Support for Terrorism*, September 2002, p.20.

[242] CIA, *Iraq Support for Terrorism*, January 2003, p. 22.

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1. SSCI July 2004 Report Conclusions - Safehaven

(U) The Committee concluded in 2004 that the CIA reasonably assessed that al-Qa'ida or associated operatives were present in 2002 in Baghdad, and in Kurdish-controlled northeastern Iraq. The Committee noted that the CIA approached the issue of safehaven by describing the presence of al-Qa'ida and individuals associated with Ansar al-Islam–mainly the al-Zarqawi network–and explaining why the Iraqi regime likely knew of their presence in Baghdad and Kurdish areas.[243]

2. Postwar Information–Safehaven

(U) In contrast to prewar foreign intelligence service reports that al-Zarqawi had allied with bin Ladin, in April 2003 the CIA learned from a senior al-Qa'ida detainee that al-Zarqawi had rebuffed several efforts by bin Ladin to recruit him. The detainee claimed that al-Zarqawi had religious differences with bin Ladin and disagreed with bin Laden's singular focus against the United States. The CIA assessed in April 2003 that al-Zarqawi planned and directed independent terrorist operations without al-Qa'ida direction, but assessed that he "most likely contracts out his network's services to al-Qa'ida in return for material and financial assistance from key al-Qa'ida facilitators." [244]

(U) A postwar CIA assessment on al-Zarqawi notes that both captured former regime documents and former regime officials show that the IIS did respond to a foreign request for assistance in finding and extraditing al-Zarqawi for his role in the murder of U.S. diplomat Lawrence Foley. In the spring of 2002, the IIS formed a "special committee" to track down al-Zarqawi, but was unable to locate and capture him. The CIA, the DIA and FBI all reported that no evidence suggests that al-Zarqawi had been warned by a former Iraqi regime element that he

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[243] *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq,* Senate Select Committee on Intelligence, S. Rept. 108-301, July 7, 2004., p. 344-345.

[244] CIA, *Abu Musab Al-Zarqawi: An Enduring Threat,* April 7, 2003, p. 2.

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had been located in Baghdad by the IIS. The CIA assessed that Zarqawi left Baghdad in late November 2002.[245]

(U) During a postwar debriefing with the FBI, a high-ranking Iraqi official stated that in October 2002, the IIS received a request from a foreign government service to locate five individuals who were also suspected of involvement in the Foley murder. According to the official, the IIS Headquarters passed down a written order to locate and arrest these individuals. In early 2003, the IIS successfully arrested one of the individuals, Abu Yasim Sayyem.

(U) Iraqi Intelligence Service documents seized after the war show that the IIS Headquarters passed a written order to track and capture Zarqawi and his associates. The documents also show that lower-level IIS units attempted to search for the individuals.

(U) Although Sayyem denied any affiliation with al-Qa'ida or Zarqawi, the IIS officer believed the evidence of criminal activity provided by the foreign intelligence service against Sayyem was compelling. For this reason, the IIS officer was shocked when the Director of his division ordered Sayyem to be released. According to the Iraqi official, the Director of his division told him that Saddam Hussein ordered Sayyem's release.[246]

(U) In response to a question posed by the FBI, the Iraqi official stated that it was preposterous to suggest that Sayyem's release was the result of al-Zarqawi "paying off" the IIS. The senior IIS officer thought it "was equally ludicrous that the IIS had any involvement with al-Qa'ida or Zarqawi."[247]

(U) The Iraqi official claimed that he could not recall the names of the four associates of Sayyem sought by the foreign intelligence service. The Iraqi official

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[245] CIA, *Abu Musab Al-Zarqawi and the Former Iraqi Regime*, October 25, 2005, p. ii.

[246] FBI, IIR: Interview with Iraqi official, June 2004, p. 4.

[247] FBI, IIR: Interview with Iraqi official, June 2004, p. 4.

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claimed that the "IIS suspected the four suspects were hiding in Northern Iraq and may have had connections to Zarqawi." He stated that the IIS "was reluctant to pursue leads in a region where they had no operational control."[248]

(U) According to the CIA, a former IIS officer believed that Saddam released Sayyem because he "would participate in striking U.S. forces when they entered Iraq."[249]

(U) In 2005, the CIA assessed that prior to the war, "the regime did not have a relationship, harbor, or turn a blind eye toward Zarqawi and his associates."[250]

(U) According to the CIA, a May 2002 IIS document found by U.S. forces in Iraq indicates that the regime, and the IIS, were concerned that the U.S. would use the presence of Ansar al-Islam in northern Iraq to support claims of links between the regime and al-Qa'ida. This document was authenticated. The IIS Director said that these claims showed the U.S. would continue to fabricate information to prove links between Iraq and Ansar al-Islam, al-Qa'ida and the Taliban. He attached a *Christian Science Monitor* article from April 2, 2002 about Ansar al-Islam to support his concern.[251] In addition, "detainees that originally reported on AI-IIS links have recanted, and another detainee, in September 2003, was deemed to have insufficient access and level of detail to substantiate his claims.[252]

(U) According to the DIA, detainee information and captured document exploitation indicate that the regime was aware of Ansar al-Islam and al-Qa'ida

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[248] FBI, IIR: Interview with Iraqi official, June 2004, p. 4.

[249] CIA, *Abu Musab al-Zarqawi and the Former Iraqi Regime*, October 25, 2005, p. ii.

[250] Id, p. ii.

[251] CIA, Response to SSCI Questions, September 2, 2005.

[252] CIA, *Id.*, p. 7.

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presence in northeastern Iraq, but the groups' presence was considered a threat to the regime and the Iraqi government attempted intelligence collection operations against them. The DIA stated that information from senior Ansar al-Islam detainees revealed that the group viewed Saddam's regime as apostate, and denied any relationship with it. The DIA said that one detainee speculated that al-Zarqawi may have had contacts with the former regime prior to Operation Iraqi Freedom, but all other detainees' information, from both the former regime and members of al-Zaqawi's network, denied such contacts occurred.[253]

(U) The FBI provided the Committee with a summary of a statement made by a captured former Iraqi regime official regarding connections to al-Zarqawi. The official stated that "following the Secretary of State's 2003 speech to the United Nations alleging Iraqi links to al-Zarqawi, he traveled to Saddam's Presidential Palace to refute the allegations and explain the details of the case to Saddam." The detainee claimed that the government of Iraq "considered al-Zarqawi an outlaw and blamed Ansar al-Islam for two bombings in Baghdad."[254]

(U) The Intelligence Community did not uncover information suggesting Iraqi regime involvement in the production of poisons or toxins in Kurdish-controlled Iraq prior to the war. Little information has emerged since the war to clarify the extent of the CBW programs conducted by Ansar al-Islam in Kurdish-controlled Iraq. Several detained members of Ansar al-Islam reported that Abu Taisir was killed during Operation Iraqi Freedom air strikes.[255]

(U) The DIA reported that the exploitation of the Sargat site revealed the presence of cyanide salts, which seems to confirm suspicions of work on cyanide-

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[253] DIA, Response to SSCI Questions.

[254] FBI, Response to SSCI Questions, December 2, 2004.

[255] CIA, Response to SSCI Questions, September 2005, p. 3.

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based poisons. DIA analysts noted that the findings were not surprising, given Ansar al-Islam's continued efforts to develop chemical weapons capabilities.[256]

(U) The CIA, the DIA and the FBI had no additional information to shed additional light on the Foley assassination.

E. Possible Iraqi Cooperation with al-Qa'ida in September 11 Attacks

(U) Following the terrorist attacks against the United States in September 2001, the Intelligence Community examined the possibility of an Iraqi role. The CIA summarized the possibility of operational cooperation by Iraq and al-Qa'ida in the September 11 attacks by stating that:

> We have no credible information that Baghdad was complicit in the attacks on the Pentagon or the World Trade Center on 11 September or any other al-Qa'ida strike, but two leads raise the possibility of ties between Iraqi officials and two of the 11 September hijackers.[257]

The leads were: (1) alleged meetings between the September 11 hijacker Muhammad Atta and the IIS Chief in Prague prior to September 11, 2001; and (2) the facilitation of the arrival at Kuala Lumpur airport of September 11 hijacker Khalid al-Mihdhar, by Ahmad Hikmat Shakir al-Azzawi, a part-time facilitator of Arab visitors who obtained his job through an Iraqi Embassy employee.

1. Muhammad Atta Meeting with IIS in Prague

(U) In the fall of 2001, the Czech intelligence service provided the CIA with reporting based on a single source who stated that September 11 hijacker

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[256] DIA, Interview with DIA officials, December 6, 2005.

[257] CIA, *Iraqi Support for Terrorism*, January 2003, p. 24.

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Muhammed Atta met with the Prague-based IIS Chief, Ahmed Khalil Ibrahim Samir al-Ani, in April 2001.

(U) In *Iraqi Support for Terrorism*, the CIA noted that "various reports put Atta in Prague on at least four occasions between late 1994 and the spring of 2001." The CIA could confirm only two of the visits–in December 1994 and June 2000–but neither of the trips matched the date of the meeting between al-Ani and Atta alleged by the Czechs.[258]

(U) The June 2002 CIA paper, *Iraq and al-Qa'ida: Interpreting a Murky Relationship,* stated regarding the April 2001 meeting that "Reporting is contradictory on hijacker Mohammed Atta's alleged trip to Prague and meeting with an Iraqi intelligence officer, and we have not verified his travels."[259]

(U) In July 2002, a DIA paper stated that "Muhammad Atta reportedly was identified by an asset (not an officer) of the Czech [redacted] service only after Atta's picture was widely circulated in the media after the attacks, approximately five months after the alleged meeting occurred."[260] The paper added:

> There are significant information gaps in this reporting that render the issue impossible to prove or disprove with available information. It is unclear why the source did not report on the meeting in April or May. Atta was unknown at the time but he would have been significant as a contact of al-Ani, who was under Czech scrutiny at the time. Also, there is no photographic, immigration or other documentary evidence

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[258] CIA, *Iraqi Support for Terrorism*, January 2003, p. 25.

[259] CIA, *Iraq and al-Qa'ida: Interpreting a Murky Relationship*, June 2002, p. 7.

[260] DIA, Special Analysis, July 31, 2002.

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indicating Atta was in the Czech Republic during the timeframe of the meeting, though he did visit the country on other occasions.[261]

(U) In the September 2002 version of *Iraqi Support for Terrorism*, the CIA assessed that, "some evidence asserts that Atta met with Prague IIS chief Ahmad Khalil Ibrahim Samir al-Ani; other evidence casts doubt on this possibility."[262] In the January 2003 version of the paper, the CIA assessed that "the most reliable reporting to date casts doubt on this possibility."[263]

(U) In September 2002, the CIA assessed that "The CIA and FBI have reviewed the reporting available so far and are unable to confirm that Atta met al-Ani in Prague on these two occasions." By January 2003, the CIA assessed that, "A CIA and FBI review of intelligence and open-source reporting leads us to question the information provided by the Czech service source who claimed that Atta met al-Ani." Both papers concluded that "while the above reporting does not conclusively contradict the occurrence of a meeting, it calls into question some aspects of the reporting." Neither the Czechs, nor U.S. government agencies could verify Atta's reported trip in April 2001 under his true name or any known aliases or through financial records.

(U) The January 2003 *Iraqi Support to Terrorism* paper noted that, "we are increasingly skeptical that Atta traveled to Prague in 2001 or met with IIS officer al-Ani."[264]

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[261] DIA, Special Analysis, July 31, 2002.

[262] CIA, *Iraqi Support for Terrorism*, September 2002, p.16.

[263] CIA, *Iraq Support for Terror*ism, January 2003, p. 25.

[264] *Id.* at p. 28.

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(U) The Committee has no knowledge that the President made reference to the alleged Atta meeting in a public speech on or after March 14, 2003, the date of the planned speech, or whether the concerns expressed in this cable were communicated to the White House.

2. Ahmed Hikmat Shakir al-Azzawi

(U) The second lead centered on contact between Ahmad Hikat Shakir al-Azzawi, an Iraqi national, and hijacker Khalid al-Mihdhar, in Malaysia in January 2000.[266] Shakir was a part-time facilitator of Arab visitors at the Kuala Lumpur airport for the Iraqi embassy. Some information alleged that the Iraqi Embassy employee who gave Shakhir his job was a former IIS officer.[267]

(U) The CIA assessed that Shakir, "apparently acting in his capacity as an airport facilitator, met al-Mihdhar at the airport. The two then shared a taxi to a Kuala Lumpur hotel, although airport facilitators were not responsible for providing land transportation for passengers." The two were not spotted together again. The CIA noted that Shakir's departure from Malaysia only one week after helping al-Mihdhar, "raised suspicion about his connections and intentions." The CIA added that, "Shakir's travel and past contacts linked him to a worldwide

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[266] CIA, *Iraqi Support for Terrorism*, January 2003, p. 27.

[267] *Id.* at p. 27

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network of Sunni extremist groups and personalities including suspects in the bombing of the 1993 World Trade Center and indirectly to senior al-Qa'ida associates. His relationship with the embassy employee could suggest a link between Baghdad and Shakir's extremist contacts, but it could also be a case of an Iraqi expatriate finding a temporary job for a fellow national."[268]

(U) After Shakir's capture in 2002, a foreign government service working in partnership with the CIA reported that Shakir was not affiliated with al-Qa'ida and had no connections to the IIS. The information said there was "no link, clue or hint to any foreign intelligence service, radical religious group or terrorist operation."[269]

3. SSCI July 2004 Report Conclusions - Possible September 11 Cooperation

(U) The Committee's July 2004 Report concluded that the CIA's assessment that there was no evidence proving Iraqi complicity or assistance in the September 11 attacks was reasonable and objective. The Committee concluded that the CIA clearly stated that it had limited information suggesting that al-Qa'ida might have cooperated with the Iraqi regime in conducting terrorist attacks.

(U) The Committee noted that the CIA reviewed four possible intersections between al-Qa'ida operatives and the Iraqi regime, none of which suggested evidence of operational cooperation. In each instance, the CIA described the intelligence which suggested the links, and also included information about the reporting which led to continued skepticism.

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[268] *Id.* at p. 26

[269] CIA intelligence report, October 9, 2002.

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4. Postwar Information - Possible September 11 Cooperation

(U) During the June 2004 debriefing of former IIS Officer, Ahmad Khahlil Ibrahim Samir al-Ani, the FBI noted that "al-Ani claimed he never saw or heard of Atta until after [Atta's] face was shown on the news."[270] Al-Ani also told the FBI that he was:

> Very surprised to hear that a 9/11 hijacker was associated with travel to Czech Republic. When he heard that his own name was being linked with that tragic event, he knew there would be problems. As the story began to escalate, he [al-Ani] made several unsuccessful attempts to persuade the Ministry of Foreign Affairs to issue a statement addressing the issue and correcting the inaccuracy, especially since it had brought him so much unwanted attention.[271]

(U) Based on a document recovered by U.S. forces after the war, the FBI reported that the former IIS Director warned Saddam on an unknown date that U.S. intelligence was attempting to fabricate connections between the IIS and al-Qa'ida. He noted that U.S. intelligence continued to allege meetings between an IIS officer and Muhammad Atta in Prague.[272]

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[270] FBI, IIR on Interview of al-Ani, June 2004, p. 2.

[271] *Id.*, p. 3

[272] FBI, Response to SSCI Questions, December 2, 2004.

[273] [redacted]

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(U) Additional analysis by the FBI of Atta's travel and financial records demonstrates that it was extremely unlikely that Atta could have been in Prague for the April 9, 2001 meeting. The FBI has evidence that Atta checked out of a hotel in Virginia Beach on April 4, 2001 and cashed a check in the area that same day. On April 11, 2001, Atta rented an apartment in Coral Spring, Florida. Between April 6-17, 2001, billing records indicate that a cell phone registered to Atta placed several calls to numbers in Florida.[275]

(U) As previously noted, prewar information indicated that Ahmed Hikmat Shakir al-Azzawi was not affiliated with al-Qa'ida or connected to the IIS. According to the DIA, the CIA and the FBI, no postwar information about Ahmed Hikmat Shakir al-Azzawi has emerged. An individual with a similar name appeared on a Fedyaeen Saddam (a domestic Iraqi paramilitary security organization loyal to Hussein) roster recovered through document exploitation in Iraq; however, both the DIA and the CIA assess that the name on the roster is not the same individual.[276]

F. Terror Attacks in the Event of U.S. Invasion

(U) Prior to the launch of Operation Iraqi Freedom, analysts concluded that if Saddam Hussein perceived an inevitable and imminent U.S. attack on Iraq, he was less likely to feel constrained in his use of terrorism.

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274 [redacted]

275 FBI, Memo to SSCI.

276 DIA and CIA, Responses to SSCI Question, September 2, 2005.

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(U) Intelligence Community analysts agreed that Saddam was most likely to use the IIS in any planned terrorist attack than attempt to utilize non-Iraqi terrorist organizations.

(U) In the November 2002 National Intelligence Estimate, published in January 2003, *Nontraditional Threats to the U.S. Homeland Through 2007*, the intelligence community assessed, "Iraq probably would attempt *clandestine* attacks against the U.S. Homeland if Baghdad concluded that military operations were bringing about the imminent demise of the regime, or possibly for revenge. Such attacks most likely would involved conventional weapons delivered by intelligence operatives or possibly special forces."[277]

(U) In September 2002, the DIA assessed that, "the government of Iraq probably will attempt to deploy terrorist operations and support infrastructure abroad in anticipation of regime-threatening hostilities with the United States."[278] The DIA explicitly identified the IIS as Iraq's "primary terrorist arm."[279] In terms of the capability of the IIS to execute terrorist attacks, the DIA stated that:

> IIS operatives will initially attempt to comply with Saddam's orders to execute terrorist attacks, but will quickly lose effectiveness over the course of the campaign. Complex missions requiring multiple operatives are much more vulnerable to compromise through accident, defection or disruption.[280]

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[277] NIC, *Nontraditional Threats to the U.S. Homeland*, November 2002, p. 3.

[278] DIA, Special Analysis, September 18, 2002, p. 1.

[279] *Id.*, p. 4.

[280] DIA, Special Analysis, September 18, 2002, p.6.

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(U) The CIA also assessed that IIS possessed a weak ability to actually implement attacks:

> The IIS's failure to mount effective anti-US terrorist strikes during the Gulf War and the service's still relatively debilitated state suggest, however, that it will be an uphill battle for the IIS to sustain a campaign of attacks against U.S. targets.[281]

(U) With regard to using Islamic terrorist organizations such as al Qa'ida, the October 2002 *Iraq's Weapons of Mass Destruction* NIE stated that:

> Saddam might decide that the extreme step of assisting the Islamist terrorists in conducting a CBW attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him.[282]

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1. SSCI July 2004 Report Conclusions - Terror Attacks in the Event of U.S. Invasion

(U) The Committee's July 2004 report concluded that the CIA was reasonable to judge that–if sufficiently desperate–Saddam Hussein might employ

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[281] CIA, *Iraq Support for Terrorism*, January 2003, p. 27.

[282] CIA, Letter to Chairman Bob Graham, October 7, 2002, p. 1.

[283] [redacted]

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terrorists with a global reach, such as al-Qa'ida, to conduct terrorist attacks in the event of war. The Committee concluded that analysts also reasonably considered Saddam Hussein's past use of terrorism, decision-making tendencies and organizational capabilities in determining whether the regime would employ terrorist attacks.[284]

2. Postwar Information - Terror Attacks in the Event of U.S. Invasion

(U) The Committee uncovered no information in postwar Iraq about Saddam's intent to use terrorism in the event of a U.S. invasion. According to postwar detainee debriefs–including debriefs of Saddam Hussein and Tariq Aziz–Saddam was resistant to cooperating with al-Qa'ida or any other Islamist groups. No information has been uncovered that indicates Iraq considered soliciting al-Qa'ida's assistance in attacks against the U.S.

(U) According to the DIA, "Iraqi operatives engaged in few low-level terrorist attacks outside the theater and many IIS personnel disobeyed direct orders to commit an attack."[285] In fact, there were only two confirmed attempts of terrorist attacks outside of Iraq after the war began. On March 22, 2003, two Iraqi nationals placed an incendiary device in a trash bin in the Hyatt hotel in Amman, Jordan. They were reportedly instructed to burn down the hotel. Two days later, "an Iraqi operative set off an explosive device in a dumpster outside the US Naval Support Activity in Bahrain."[286]

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[284] *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq,* Senate Select Committee on Intelligence, S. Rept. 108-301, July 7, 2004., p. 338.

[285] DIA, After Action Report: Terrorism during OIF, November 16, 2004, p.64.

[286] *Id.*, p. 64.

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G. Conclusions

(U) Conclusion 1: Postwar findings indicate that the Central Intelligence Agency's (CIA) assessment that the relationship between Iraq and al-Qa'ida resembled "two independent actors trying to exploit each other," accurately characterized bin Ladin's actions, but not those of Saddam Hussein. Postwar findings indicate that Saddam Hussein was distrustful of al-Qa'ida and viewed Islamic extremists as a threat to his regime, refusing all requests from al-Qa'ida to provide material or operational support. Debriefings of key leaders of the former Iraqi regime indicate that Saddam distrusted Islamic radicals in general, and al-Qa'ida in particular. Postwar findings indicate that bin Ladin attempted to exploit the former Iraqi regime by making requests for operational and material assistance, while Saddam Hussein refused all such requests. Saddam thought al-Qa'ida was an effective organization and reportedly expressed some willingness to broadcast anti-Saudi speeches at the request of al-Qa'ida, but there is no evidence he did. Debriefings also indicate that Saddam issued a general order that Iraq should not deal with al-Qa'ida. No postwar information suggests that the Iraqi regime attempted to facilitate a relationship with bin Ladin.

(U) Conclusion 2: Postwar findings have identified only one meeting between representatives of al-Qa'ida and Saddam Hussein's regime reported in prewar intelligence assessments. Postwar findings have identified two occasions, not reported prior to the war, in which Saddam Hussein rebuffed meeting requests from an al-Qa'ida operative. The Intelligence Community has not found any other evidence of meetings between al-Qa'ida and Iraq. Postwar information indicates there were three instances in which al-Qa'ida communicated with representatives of Saddam's regime, one of which had been identified by the Intelligence Community prior to the war. All of the contacts were initiated by al-Qa'ida. Debriefings and captured regime documents show that the Intelligence Community accurately assessed that Iraqi intelligence officer Faruq Hijazi met with bin Ladin in 1995 in Sudan. Debriefings of Hijazi indicate that, prior to the meeting, Saddam directed Hijazi to "only listen" and not negotiate or promise anything to bin Ladin. At the meeting, bin Ladin requested

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an office in Iraq, military training for his followers, Chinese sea mines and the broadcast of speeches from an anti-Saudi cleric. Hijazi told debriefers that Saddam immediately rejected bin Ladin's requests for the office, mines and training, but considered broadcasting the speeches. Postwar information does not indicate whether Iraq actually broadcasted the speeches. Postwar debriefings also indicate that al-Qa'ida operative Abu Hafs al-Mauritani traveled to Iraq in 1998 and 2002 seeking a meeting with Saddam Hussein. Saddam refused to meet Abu Hafs on both occasions and directed that he should leave the country because he could "cause a problem" for Iraq.

(U) **Conclusion 3: Prewar Intelligence Community assessments were inconsistent regarding the likelihood that Saddam Hussein provided chemical and biological weapons (CBW) training to al-Qa'ida. Postwar findings support the Defense Intelligence Agency (DIA) February 2002 assessment that Ibn al-Shaykh al-Libi was likely intentionally misleading his debriefers when he said that Iraq provided two al-Qa'ida associates with chemical and biological weapons (CBW) training in 2000. The Central Intelligence Agency's January 2003 assessment said the al-Libi claim was credible, but included the statement that al-Libi was not in a position to know whether the training had taken place. Postwar findings do not support the CIA's assessment that his reporting was credible. No postwar information has been found that indicates CBW training occurred and the detainee who provided the key prewar reporting about this training recanted his claims after the war.** Intelligence Community analysts based assessments about possible Iraqi provision of CBW training to al-Qa'ida largely on reporting from al-Qa'ida detainee Ibn al-Shaykh al-Libi. Several DIA assessments in February 2002, soon after debriefings of al-Libi began, questioned al-Libi's inability to provide details about Iraq's involvement. One assessment noted that it was possible that al-Libi did not know any further details, but assessed "it is more likely this individual is intentionally misleading the debriefers." In a July 2002 assessment the DIA called reports from al-Libi "plausible," but noted, however, that al-Libi's information lacked details concerning the individual Iraqis involved, the specific chemical and biological materials associated with the assistance, and the location where the

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alleged training occurred. The DIA also assessed that the information was second hand and not derived from al-Libi's personal experience. The assessment did not mention concerns that al-Libi may have misled debriefers. In September 2002, the DIA coordinated on the CIA's paper *Iraqi Support for Terrorism*, which contained al-Libi's claim that Iraq "provided unspecified chemical or biological weapons training for two al-Qa'ida associates." Earlier in the same paper, CIA said that al-Libi indicated that an al-Qa'ida militant went to Iraq for CBW training, but said "al-Libi did not know the results of the training." Director Tenet testified before the Committee in closed session in September 2002 that "Iraq provided training to al-Qa'ida members in Iraq–of most concern, in the area of chemical and biological agents." Later in his testimony the Director testified that al-Libi said, "Iraq provided unspecified chemical or biological weapons training for two al-Qa'ida members beginning in December 2000," but stated that al-Libi did not know the results of the training. He also testified that details on training are "second-hand or from sources of varying reliability." In February 2003, Director Tenet repeated al-Libi's CBW training claims in open session, but did not note that reports of training were second-hand or of varying reliability. CIA's January 2003 version of Iraqi Support for Terrorism described al-Libi's reporting of CBW ties as "credible," but noted that the individuals who traveled to Iraq for CBW training had not returned, so al-Libi was not in a position to know if the training had taken place. A National Intelligence Estimate (NIE) published in January 2003 described the reporting as "credible" that "Iraq provided training in bomb-making and, according to one detainee, in the area of chemical and biological agents."

Postwar information indicates that DIA's initial assessments, that al-Libi was likely misleading debriefers, were correct. In January 2004, al-Libi recanted his allegations about CBW training and many of his other claims about Iraq's links to al-Qa'ida. He told debriefers that, to the best of his knowledge, al-Qa'ida never sent any individuals into Iraq for any kind of support in chemical or biological weapons. Al-Libi told debriefers that he fabricated information while in U.S. custody to receive better treatment and in response to threats of being transferred to a foreign intelligence service which he believed would torture him. He said that "once he began to fabricate information, he experienced no further physical

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pressure [redacted]." He also said that later, while he was being debriefed by a [redacted] foreign intelligence service, he fabricated more information in response to physical abuse and threats of torture. The foreign government service denies using any pressure during al-Libi's interrogation. In February 2004, the CIA reissued the debriefing reports from al-Libi to note that he had recanted information. A CIA officer explained that while CIA believes al-Libi fabricated information, the CIA cannot determine whether, or what portions of, the original statements or the later recants are true or false. The Intelligence Community has found no postwar information to indicate that Iraq provided CBW training to al-Qa'ida.

(U) Conclusion 4: Postwar findings support the April 2002 Defense Intelligence Agency (DIA) assessment that there was no credible reporting on al-Qa'ida training at Salman Pak or anywhere else in Iraq. There have been no credible reports since the war that Iraq trained al-Qa'ida operatives at Salman Pak to conduct or support transnational terrorist operations. In April 2002, the DIA assessed that "there was no credible reporting on al-Qa'ida training at Salman Pak or anywhere else in Iraq." In January 2003, the CIA noted that additional information was needed before validating the claim, because of difficulties with the sources and the fact that, at the time, al-Qa'ida could have offered such training at its own camps in Afghanistan. DIA reported in November 2003 that postwar exploitation of the facility found it "devoid of valuable intelligence." The assessment added that CIA exploitation "found nothing of intelligence value remained and assessed the Iraqi Intelligence Service (IIS) cleaned it out." The DIA assessment concluded that "we do not know whether the ex-regime trained terrorists on the aircraft at Salman Pak. Intelligence from late April 2003 indicated the plane had been dismantled." The CIA and the DIA told the Committee in 2006 that postwar site exploitation of Salman Pak has yielded no indications that training of al-Qa'ida linked individuals took place there. In June 2006, the DIA told the Committee that is has no "credible reports that non-Iraqis were trained to conduct or support transnational terrorist operations at Salman Pak after 1991."

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(U) Conclusion 5: Postwar information supports the Intelligence Community's assessments that Abu Musab al-Zarqawi, using an alias, and members of his network, were present in Baghdad in 2002. Postwar findings indicate al-Zarqawi was in Baghdad from May 2002 until late November 2002, when he traveled to Iran and northeastern Iraq. Prewar assessments expressed uncertainty about Iraq's complicity in their presence, but overestimated the Iraqi regime's capabilities to locate them. Postwar information indicates that Saddam Hussein attempted, unsuccessfully, to locate and capture al-Zarqawi and that the regime did not have a relationship with, harbor, or turn a blind eye toward Zarqawi. Intelligence Community assessments stated that Abu Mus'ab al-Zarqawi, identified as an al-Qa'ida affiliate, arrived in Baghdad under an assumed identity in late May 2002, possibly seeking medical treatment. The assessments noted that the regime was alerted to his presence by a foreign intelligence service which provided Iraq with identifying information. The CIA judged that tracking al-Zarqawi and his associates almost certainly would be within the capabilities of the Iraqi Intelligence Service (IIS), but said that Baghdad claimed it could not find al-Zarqawi. Captured regime documents and debriefings indicate that the IIS received notice in Spring 2002 of Zarqawi's presence in Iraq from a foreign intelligence service, that he was not known to the IIS until it received that notice, and that the Iraqi regime wanted to capture al-Zarqawi. The IIS formed a special committee and actively attempted to locate and capture al-Zarqawi without success, contradicting prewar assessments that the IIS almost certainly possessed the capability to track him. Postwar information from an al-Qa'ida detainee indicated that Saddam's regime "considered al-Zarqawi an outlaw" and blamed his network, operating in Kurdish-controlled northern Iraq, for two bombings in Baghdad. The Intelligence Community assesses that al-Zarqawi left Baghdad in late November 2002 and traveled to Iran and northeastern Iraq. He did not return to Baghdad until June 2003, after the fall of the Saddam Hussein regime.

(U) Conclusion 6: Postwar information indicates that the Intelligence Community accurately assessed that al-Qa'ida affiliate group Ansar al-Islam operated in Kurdish-controlled northeastern Iraq, an area that Baghdad had

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not controlled since 1991. Prewar assessments reported on Iraqi Intelligence Service (IIS) infiltrations of the group, but noted uncertainty regarding the purpose of the infiltrations. Postwar information reveals that Baghdad viewed Ansar al-Islam as a threat to the regime and that the IIS attempted to collect intelligence on the group. Prewar Intelligence Community assessments noted that al-Qa'ida fighters had relocated to northern Iraq after the start of US military action in Afghanistan, hosted by a Kurdish extremist group Ansar al-Islam. The assessments said Baghdad reportedly had contact with the group, including IIS infiltrations, but noted that the Intelligence Community could not determine the frequency or purpose of the contact, including whether they were for collection or cooperation. Postwar information indicates that Iraqi intelligence activities were not cooperative; rather, they were directed at collecting intelligence against Ansar al-Islam, which operated in northeastern Iraq, an area outside regime control. A May 2002 IIS document indicates that the regime was concerned that the United States would use the presence of Ansar al-Islam in northern Iraq to support claims of links between the regime and al-Qa'ida.

([redacted]) **Conclusion 7: Postwar information supports prewar Intelligence Community assessments that there was no credible information that Iraq was complicit in or had foreknowledge of the September 11 attacks or any other al-Qa'ida strike. These assessments discussed two leads which raised the possibility of ties between Iraqi officials and two of the September 11 hijackers. Postwar findings support CIA's January 2003 assessment, which judged that "the most reliable reporting casts doubt" on one of the leads, an alleged meeting between Muhammad Atta and an Iraqi intelligence officer in Prague, and confirm that no such meeting occurred. Prewar intelligence reporting cast doubt on the other lead as well.** Czech intelligence reporting in the fall of 2001 alleged a meeting in Prague between September 11 hijacker Muhammad Atta and the Iraqi Intelligence Services Chief in Prague, Ahmed al-Ani, in 2001. Prewar assessments described reporting on the Atta lead as contradictory and unverified. In September 2002, CIA assessed that some evidence asserted that the two met, and some cast doubt on the possibility. By January 2003, CIA assessed that "the most reliable reporting casts doubt on this

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possibility" and said they were "increasingly skeptical that Atta traveled to Prague in 2001 or met with IIS officer al-Ani." Postwar debriefings of al-Ani indicate that he had never seen or heard of Atta until after September 11, 2001, when Atta's face appeared on the news. [redacted]

(U) The second lead centered on the facilitation of the January 2000 arrival at the Kuala Lumpur airport of September 11 hijacker Khalid al-Mihdhar, by Ahmad Hikmat Shakir Al-Azzawi, a part-time facilitator for Arab visitors who obtained his job through an alleged Iraqi intelligence officer. After his capture in 2002, CIA received information that Shakir was not affiliated with al-Qa'ida and had no connections to the IIS. No postwar information has been uncovered regarding al-Azzawi.

(U) Conclusion 8: No postwar information indicates that Iraq intended to use al-Qa'ida or any other terrorist group to strike the United States homeland before or during Operation Iraqi Freedom. The 2002 National Intelligence Estimate (NIE) assessed that Iraq probably would attempt clandestine attacks using the Iraqi Intelligence Service (IIS) against the United States homeland if Saddam Hussein feared an attack that threatened the survival of his regime were imminent or unavoidable, or possibly for revenge. The NIE also assessed that Saddam Hussein, if sufficiently desperate, might decide that only an organization with worldwide reach, such as al-Qa'ida, could perpetrate the type of attack he would hope to conduct. The Intelligence Community assessed that it would be "an extreme step" for Iraq to assist Islamist terrorists in conducting a chemical or biological weapon attack against the United States. The NIE noted that it had low confidence in its judgments about whether Saddam would engage in clandestine attacks against the U.S. homeland and whether in desperation Saddam would share

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chemical or biological weapons with al-Qa'ida. No postwar information has been uncovered indicating that Iraq considered using al-Qa'ida or any other terrorist group to attack the United States.

(U) Conclusion 9: While document exploitation continues, additional reviews of documents recovered in Iraq are unlikely to provide information that would contradict the Committee's findings or conclusions. The Committee's evidentiary basis for its review of postwar findings in Iraq relies on documents uncovered in Iraq and detainee debriefs. The initial document exploitation effort in Iraq focused on searching for WMD related documents, but also looked for material related to Iraq's link to terrorism. Officials responsible for document exploitation efforts explicitly stated that they did not believe that the initial review process missed any documents of major significance regarding Iraq's links to terrorism, and are in the process of reexamining the documents to ensure that none of significance were missed. The Intelligence Community has discovered a number of forged documents captured in Iraq on a variety of topics. While the Committee has not conducted an exhaustive review of forged documents discovered in Iraq, in the context of terrorism, the forged documents of which the Committee is aware suggest links between Iraq and al-Zarqawi. For example, the Intelligence Community has discovered three sets of purported IIS documents depicting Zarqawi seeking a relationship with Baghdad before April 2003, obtaining medical treatment from the regime, and meeting with an IIS case officer. Likewise, the Committee believes that the results of detainee debriefs largely comport with documentary evidence, but the Committee cannot definitively judge the accuracy of statements made by individuals in custody and cannot, in every case, confirm that detainee statements are truthful and accurate.

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IV. REGIME INTENT

A. Regime Intent Assessments

(U) As reflected in the previous sections of this report, the October 2002 NIE on *Iraq's Continuing Programs for Weapons of Mass Destruction* assessed that Iraq was continuing its WMD efforts and that Iraq had chemical and biological weapons. Analysis in the NIE focused on the capabilities of these programs, rather than on presenting a comprehensive assessment of the regime's intent in acquiring these WMD. The NIE did discuss briefly Saddam's desire for WMD as well as under what circumstances the Intelligence Community believed Saddam would use WMD.

(U) The NIE offered three assessments which provided insight into Iraq's intent. Although the NIE assessed that Saddam did not yet have a nuclear weapon, a key judgment assessed, "he remains intent on acquiring them."[287] Additionally, the NIE stated, "Intelligence information over the past ten years makes clear that Saddam has never abandoned his pursuit of weapons of mass destruction (WMD)."[288] Finally, the NIE cited the two main determining factors for Iraq's desire to acquire WMD as, "Baghdad's goal of becoming the predominant regional power and its hostile relations with many of its neighbors, especially Iran and Israel, are key drivers behind Iraq's WMD."[289]

(U) The NIE also discussed Iraq's intent behind its efforts to deceive UN inspectors and procure denied items. In each section–nuclear, biological, chemical, and delivery–Iraq's deception was assessed as evidence of Iraq's intention to preserve and hide WMD programs, materials, equipment, or other

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[287] National Intelligence Estimate, *Iraq's Continuing Programs for Weapons of Mass Destruction,* October 1, 2002, p. 5.

[288] *Id.* at 11.

[289] *Id.* at 12.

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activities. The Intelligence Community judged that Iraq's denial and deception efforts were so vigorous that they were aware of only a portion of Iraq's WMD efforts. The NIE said:

> Revelations after the Gulf war starkly demonstrate the extensive efforts undertaken by Iraq to deny information. The revelations also underscore the extent to which limited information fostered underestimates by the Intelligence Community of Saddam's capabilities at that time.[290]

(U) On a tactical level, the NIE devoted more than a page of key judgments describing scenarios in which Saddam might use WMD or give it to terrorists to use against U.S. forces, U.S. interests or against the U.S. homeland. However, the NIE, as well as the President's summary of the NIE, prefaced these judgments by stating, "We have low confidence in our ability to assess when Saddam would use WMD."[291]

(U) With respect to battlefield or other use of WMD against US forces, friends, and allies in the region, the NIE's key judgments stated:

- Saddam could decide to use chemical and biological warfare (CBW) preemptively against US forces, friends, and allies in the region in an attempt to disrupt US war preparations and undermine the political will of the Coalition.

- Saddam might use CBW after an initial advance into Iraqi territory, but early use of WMD could foreclose diplomatic options for stalling the US advance.

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[290] *Id.* at 11.

[291] *Id.* at 7.

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- He probably would use CBW when he perceived he irretrievably had lost control of the military and security situation, but we are unlikely to know when Saddam reaches that point.

- We judge that Saddam would be more likely to use chemical weapons than biological weapons on the battlefield.

- Saddam historically has maintained tight control over the use of WMD; however, he probably has provided contingency instructions to his commanders to use CBW in specific circumstances.[292]

(U) Concerning the use of WMD against the United States, the NIE's key judgments stated:

- Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or CBW against the United States, fearing that exposure of Iraqi involvement would provide Washington a stronger cause for making war.[293]

- Iraq probably would attempt clandestine attacks against the U.S. Homeland if Baghdad feared an attack that threatened the survival of the regime were imminent or unavoidable, or possibly for revenge. Such attacks–more likely with biological than chemical agents–probably would be carried out by special forces or intelligence operatives.[294]

- Saddam, if sufficiently desperate, might decide that only an organization such as al-Qa'ida–with worldwide reach and extensive

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[292] *Id.* at 7-8.

[293] *Id.* at 8.

[294] *Id.*

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terrorist infrastructure, and already engaged in a life-or-death struggle against the United States–could perpetrate the type of terrorist attack that he would hope to conduct.[295]

- In such circumstances, he might decide that the extreme step of assisting Islamist terrorists in conducting a CBW attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him."[296]

(U) On October 7, 2002, the Director of Central Intelligence declassified the following questions and answers from an October 2, 2002 hearing of the Select Committee on Intelligence on the October 2002 NIE:

> Senator Levin: . . . If [Saddam] didn't feel threatened, did not feel threatened, is it likely he would initiate an attack using a weapon of mass destruction?
>
> Senior Intelligence Witness: . . . My judgment would be that the probability of him initiating an attack–let me put a time frame on it–in the foreseeable future, given the conditions we understand now, the likelihood I think would be low.
>
> Senator Levin: . . . Now if he did initiate an attack you've . . . indicated he would probably attempt clandestine attacks against us . . . But what about his use of weapons of mass destruction? If we initiate an attack and he thought he was in extremis or otherwise,

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[295] *Id.*

[296] *Id.*

[redacted]

[redacted]

what's the likelihood in response to our attack that he would use chemical or biological weapons?

Senior Intelligence Witness: Pretty high, in my view.[297]

(U) In a July 26, 2006, SSCI hearing, former Director of Central Intelligence (DCI) Tenet testified that, following the release of the October 7th letter, there was concern about the letter and that policymakers wanted him to "say something about not being inconsistent with what the President had said." Former DCI Tenet issued a statement that:

> There is no inconsistency between our view of Saddam's growing threat and the view as expressed by the President in his speech. Although we think the chances of Saddam initializing a WMD attack at this moment are low–in part because it would constitute an admission that the (sic) possesses WMD–there is no question that the likelihood of Saddam using WMD against the United States or our allies in the region for blackmail, deterrence, or otherwise grows as his arsenal continues to build. His past use of WMD against civilian and military targets shows that he produces these weapons to use not just to deter.

(U) At the July 26, 2006 hearing, former DCI Tenet testified that perhaps there was an inconsistency between the President's statement and the CIA's assessment. He also testified that issuing the statement was "the wrong thing to do," explaining further "when I said it was wrong, I shouldn't have gotten into this public debate." Shortly after the hearing, the former DCI sent a letter to the Committee which said:

> At this morning's 26 July 2006 hearing, Senator Levin asked me as to whether there was an inconsistence between the 7 October 2002 letter

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[297] Letter from DDCI John McLaughlin (for DCI George Tenet) to Chairman Graham, October 7, 2002.

[redacted]

[redacted]

sent to the Committee signed by John McLaughlin over my name and the President's speech in Cincinnati on the same day. We subsequently discussed the statement I used to respond to a media inquiry. I read that statement into the record.

When I responded to Senator Levin that I was "wrong" I meant that I was wrong to inject myself into the public debate. I believe the Committee transcript will show that I attempted to clarify the point later in the hearing.

I am concerned that I left the Committee with the impression that I was "wrong" when I said in October of 2002 that there is "no inconsistency between the CIA's views in the letter and those of the President." I have not changed my views on this matter.

1. SSCI July 2004 Report

(U) The Committee's 2004 report, *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq,* did not focus on regime intentions.[298] However, in the Committee's evaluation of the Intelligence Community's collection against Iraq, the Committee noted:

> Analysts explained that information derived from HUMINT provided insight into historical links, but provided little information on the current environment. Thus, the IC's collection, and subsequent analysis, provided an understanding of the historical context of the Iraqi regime's relationships and contacts, but left many intelligence gaps about the Iraqi regime's intentions.[299]

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[298] *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq,* Senate Select Committee on Intelligence, S. Rept. 108-301, July 7, 2004.

[299] *Id.* at 350.

[redacted]

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(U) Regarding Iraq's denial and deception efforts the Committee concluded:

> The IC's failure to find unambiguous intelligence reporting of Iraqi WMD activities should have encouraged analysts to question their presumption that Iraq had WMD. Instead, analysts rationalized the lack of evidence as the result of "vigorous" Iraqi denial and deception (D&D) efforts to hide the WMD programs that analysts were certain existed. . . . The intelligence provided to the Committee showed that Iraq was making efforts to hide some activity, but the reporting was not clear about what activity was being hidden or why it was being hidden. Although the IC lacked unambiguous reporting of either active WMD programs or a vigorous D&D effort to hide WMD programs, the assumptions that Iraq was engaged in both were tied together into a self-reinforcing premise that explained away the lack of strong evidence of either.[300]

2. Iraq Survey Group Findings – Regime Intent

(U) Based on its postwar debriefings of Saddam Hussein, debriefings of other key figures in the Iraqi regime, and document exploitation, the ISG concluded that Saddam's primary goal from 1991 to 2003 was to end sanctions, while preserving the capability to reconstitute weapons of mass destruction when that occurred. This remained his goal until the end of his regime, recognizing that any WMD efforts before that time "risked undoing the progress achieved in eroding sanctions and jeopardizing a political end to the embargo and international monitoring."[301] The ISG found that Saddam's behavior under sanctions, in which he never fully complied with the UN, reflects his efforts to "balance the need to cooperate with UN inspectors – to gain support for lifting sanctions – with his

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[300] *Id.* at 22.

[301] Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD, Regime Strategic Intent Section, p. 1.

[redacted]

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intention to preserve Iraq's intellectual capital for WMD."[302] The ISG concluded that Saddam never achieved this balance.[303]

(U) Initially, according to the ISG, Saddam was confident in Iraq's ability to ride out inspections without fully cooperating. Therefore, Iraq declared only part of its ballistic missile and chemical warfare programs, but not its nuclear weapons and biological warfare programs.[304] Saddam, surprised by unexpectedly thorough inspections, ordered Husayn Kamil in July 1991 to destroy unilaterally large numbers of undeclared weapons and related materials to conceal Iraq's WMD capabilities and that Iraq had not fully cooperated with the UN. When Husayn Kamil defected in 1995, the Iraqi regime was concerned that he would tell the UN about the documents and materials hidden in 1991.[305] According to a CIA retrospective on this issue, the Iraqi regime decided that continued widespread deception was no longer tenable. Iraq released the long-concealed WMD documentation to the UN "in a genuine attempt to come clean on programs, albeit while attempting to save face" and incriminate Husayn Kamil by planting the documents at his chicken farm.[306]

(U) According to the ISG, Iraq believed the document release and Iraq's February 1996 declaration, which revealed additional hidden information, would gain favor with the UN as a measure of goodwill and cooperation. Instead, the UN and U.S. intelligence community interpreted the new information as validation of their suspicions about Iraq's deception, which destroyed confidence in the credibility of Iraq's declarations, created additional questions from the

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[302] *Id.*

[303] *Id.* at 1, 47.

[304] *Id.* at 41, 44.

[305] *Id.* at 50.

[306] CIA, Retrospective Series, *Misreading Intentions: Iraq's Reactions to Inspections Created Picture of Deception*, May 23, 2006, p. 5.

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international community, and resulted in more intrusive inspections.[307] In turn, when Iraq's disclosures did not result in sanctions relief, Iraq came to believe that the U.S. knew Iraq did not have WMD and that WMD was being used as a pretext for regime change.[308] This view eventually led Iraq to suspend cooperation with the UN.[309]

(U) The ISG found that the Iraqi regime had no formal written strategy or plan for the revival of weapons of mass destruction after sanctions ended, nor was there an identifiable group of WMD policymakers or planners. The regime's strategic intent was Saddam's alone and "his lieutenants understood WMD revival was his goal from their long associations with Saddam and his infrequent, but firm, verbal comments and directions to them."[310]

(U) The ISG also found that Saddam probably intended to have a different mix of WMD capabilities after sanctions ended: "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 missiles and tactical chemical warfare (CW) capabilities."[311] According to the ISG, events in the 1980s and early 1990s shaped Saddam's views about the kind of WMD capability Iraq needed, believing that chemical weapons and ballistic missiles had saved the regime several times.[312] In particular, Saddam concluded

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[307] Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD, Regime Strategic Intent Section, p. 48-49.

[308] CIA, Retrospective Series, *Misreading Intentions: Iraq's Reactions to Inspections Created Picture of Deception*, May 23, 2006, p. 7.

[309] Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD, Regime Strategic Intent Section, at 55.

[310] *Id.*

[311] *Id.* at1.

[312] *Id.* at 1.

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that Iraq's use of chemical weapons during the Iran-Iraq war prevented Iran from completely overrunning outnumbered Iraqi forces. In addition, Saddam believed that Iraq's missile strikes on Tehran had helped force Iran to agree to a cease-fire.[313] Saddam's regime "also saw chemical weapons as a tool to control domestic unrest."[314]

(U) Saddam viewed nuclear programs as a symbol of a modern nation, indicative of technological, scientific, and economic progress. Saddam was unconvinced by the notion of nonproliferation, believing that nuclear weapons provided "strategic balance."[315] He wanted them "to compete with powerful and antagonistic neighbors; to him, nuclear weapons were necessary for Iraq to survive."[316] He "considered WMD as the only sure counterbalance to an enemy developing WMD of its own."[317]

(U) The ISG found that Iran was the "pre-eminent" motivator for Saddam's policy.[318] Saddam said that Iran was Iraq's main concern because it wished to annex southern Iraq. All senior Iraqi officials interviewed also considered Iran to be Iraq's principal enemy in the region, but between 1998-2003 Iraqi leaders had determined that Iran was more of a long-term danger because of deficiencies in Iranian readiness and morale.[319] Saddam's desire to balance Israel and acquire

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[313] *Id.* at 24, 26.

[314] *Id.* at 25.

[315] *Id.* at 26.

[316] *Id.*

[317] *Id.* at 29.

[318] *Id.* at 1.

[319] *Id.* at 29-30.

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status and influence in the Arab world were considerations in Saddam's desire to have post-sanctions WMD, but were secondary to Iran.[320]

(U) In a section of its report entitled "WMD Possession–Real or Imagined–Acts as a Deterrent," the ISG concluded that, because of "his perception of the overarching danger from Iran," Saddam countered by continuing with his "public posture of retaining WMD capability." The ISG explained that "[t]he UN's inconclusive assessment of Iraq's possession of WMD, in Saddam's view, gave pause to Iran."[321] The ISG added, "while it appears that, Iraq, by the mid-1990s, was essentially free of militarily significant WMD stocks, Saddam's perceived requirement to bluff about WMD capabilities made it too dangerous to clearly reveal that to the international community, especially Iran."[322] CIA's retrospective assessment on regime intent noted, however, that no evidence has been uncovered to indicate that there was a concerted effort to maintain the illusion of WMD for the benefit of local adversaries. The retrospective added, "there was an overall sense of the need to project power and military might, but nothing more specific."[323]

(U) The ISG found that Saddam did not consider the United States to be a natural adversary and, according to Tariq Aziz, Saddam hoped to improve relations with the United States. However, after the Iran-Contra scandal in 1986, which had included the covert supplying of Iran with missiles by the U.S., "Saddam believed that Washington could not be trusted and was out to get him personally." According to the ISG, in the period before Iraq's attack on Kuwait, Saddam had come to believe that there was no hope of a positive relationship with

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[320] *Id.* at 31.

[321] *Id.* at 34.

[322] Id. at 34-35

[323] CIA, Retrospective Series, *Misreading Intentions: Iraq's Reactions to Inspections Created Picture of Deception*, May 23, 2006, p. 10.

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the United States. Between 1994 and 1998 Iraqi leaders did indicate to UNSCOM personnel that Iraq wanted dialogue with the U.S. Saddam told the ISG that he had wanted better relations with the U.S., but said the U.S. refused to listen to anything Iraq had to say.[324]

(U) Throughout the 1990s, Saddam and the Ba'ath party considered a U.S. invasion to be the greatest potential threat to the regime, although Saddam rated the possibility as very low. The ISG found that Saddam failed to understand the U.S. or its interests in the Gulf, believing that a U.S. invasion was unlikely because its objectives of establishing a military presence in the region had already been achieved. In addition, Saddam failed to understand how the September 11 attacks had changed U.S. attitudes. Saddam's cabinet ministers had recommended that Iraq issue an official statement condemning the attacks and offering condolences, fearing that to do otherwise would associate Iraq with al-Qa'ida. According to Tariq Aziz, Saddam was happy that the attacks hurt the U.S. and refused to offer condolences "given the hardships the Iraqi people had suffered at the hands of the US Government.[325]

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[324] Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD, Regime Strategic Intent Section, at 31-32.

[325] *Id.* at 31-33.

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B. Conclusions

(U) Conclusion 1: Postwar findings indicate that analysts misjudged the impact of sanctions and inspections on Saddam's weapons of mass destruction (WMD) goals. Analysts accurately assessed that Saddam Hussein wanted WMD, but, in assessing that Iraq had WMD, misjudged Saddam's ability or desire to pursue such programs while sanctions were in place. The Iraq Survey Group concluded that Saddam's primary goal from 1991 to 2003 was to end sanctions, while preserving his ability to reconstitute WMD when that occurred. The ISG found that Saddam's behavior under sanctions, in which he never fully complied with the United Nations (UN), reflected his efforts to balance the need to cooperate with UN inspectors and gain support for lifting sanctions, with his intention to preserve Iraq's intellectual capital for WMD. Immediately after the 1991 Gulf War, Saddam was confident in Iraq's ability to ride out UN inspections without fully cooperating. He was surprised, however, by the thoroughness of UN inspectors and, in July 1991, ordered the unilateral destruction of large numbers of undeclared weapons and related material, as well as evidence that Iraq had not fully cooperated with the UN. The ISG found that the Iraqi regime had no formal written strategy, plan, or organization for the revival of WMD after sanctions ended. According to the ISG, this strategic intent was Saddam's alone and his lieutenants understood that this was his goal from their long association with him and his infrequent, but firm, verbal statements and orders to them.

(U) Conclusion 2: Postwar findings support the 2002 National Intelligence Estimate (NIE) assessment that Saddam's goal of making Iraq a predominant regional power and his need to deter neighboring countries, in particular Iran and Israel, were key drivers behind his thinking about weapons of mass destruction (WMD). The Iraq Survey Group concluded that Iran was the preeminent motivator of Saddam's policy because, in his view, it wished to annex southern Iraq. Saddam had concluded that Iraq's use of chemical weapons during its war with Iran during the 1980s had saved the Iraq regime. His desire to balance Israel and acquire status and influence in the Arab world were

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considerations as well, but those desires were secondary to his focus on Iran. Iran also affected his attitude toward United Nations inspections. The UN's inconclusive assessment about Iraq's WMD holdings and program was useful, in Saddam's view, in giving pause to Iran by aiding Saddam's perceived requirement to bluff Iran about Iraq's WMD capabilities.

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Appendix A: CIA'S IRAQ WMD RETROSPECTIVE SERIES

(U) The Central Intelligence Agency is publishing six Intelligence Assessments as part of an *Iraq WMD Retrospective Series.* The retrospective series addresses the CIA's post-Operation Iraqi Freedom (OIF) understanding of Iraq's WMD and delivery programs and evaluates prewar CIA assessments and reporting in light of investigations carried out by the ISG.[326] In addition to the ISG information, the papers included new information from other sources that added to the understanding of Iraq WMD-related issues.[327]

(U) Five papers in the series have been completed: (1) *Disposition of Iraqi Scud-Type SRBMs* (January 4, 2005); (2) *Iraq: No Large-Scale Chemical Warfare Efforts Since Early 1990s* (January 18, 2005); (3) *Roles and Capabilities of Iraqi Pre-OIF UAVs* (October 19, 2005); (4) *Iraq: Revisiting Nuclear Assessments* (January 9, 2006); and (5) *Misreading Intentions: Iraq's Reaction to Inspections Created Picture of Deception* (April 10, 2006).[328] The remaining retrospective, on biological warfare efforts, is in progress. The WMD and missile-focused retrospectives are the work of the CIA's Weapons Intelligence, Nonproliferation, and Arms Control Center (WINPAC). The CIA's Office of Iraq Analysis produced the retrospective on Iraq's intentions.

(U) The Committee has not independently evaluated the completed retrospectives by examining, as it did during Phase I of the Committee's Iraq review, the CIA's assessments in light of the underlying intelligence cited. Nevertheless, it is clear that the conclusions of the retrospective series correspond

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[326] CIA, Iraq WMD Retrospective Series, *Disposition of Iraqi Scud-Type SRBMs*, January 4, 2005, Scope Note, p. iii.

[327] CIA, Iraq WMD Retrospective Series, *Iraq: Revisiting Nuclear Assessments*, January 9, 2006, Scope Note, p. vii.

[328] Classification note: The titles of the SCUD and chemical warfare retrospectives are Unclassified. The title of the UAV retrospective is marked Confidential. The titles of the nuclear and misreading intentions retrospectives are marked Secret.

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with many basic findings of the Committee during Phase I and with the Iraq Survey Group findings that are the subject of this Phase II report. It is also evident to the Committee that the retrospective series will be an important source of information about the history of these times. For that reason, the Committee has asked the CIA to declassify the retrospectives to the extent consistent with national security.

(U) In this appendix, the Committee notes a number of principal findings of the reports that have been completed, to illustrate what the CIA now assesses to be the case concerning prewar Iraq.

A. Disposition of Iraqi Scud-Type SRBMs

(U) The Scud retrospective concluded that Iraq in 1991 probably destroyed any remaining Scud-type short-range ballistic missiles (SRBMs). The CIA has not found definitive evidence to confirm this destruction. After 1991, Iraq continued to hide components, production equipment, and documents for later reconstitution, but by 1996 Baghdad probably had destroyed or declared to the UN all those items. Additional hidden components could be uncovered, but even if such items exist, they would probably be remnants of Iraq's Scud program.[329]

B. Iraq: No Large-Scale Chemical Warfare Efforts Since Early 1990s

(U) The basic key finding of the chemical warfare retrospective is that Iraq probably did not pursue significant chemical warfare efforts after 1991. The retrospective states that CIA's revised conclusions differ significantly from its judgments prior to OIF because of subsequent events and direct access to Iraqi officials, scientists, facilities, and documents that contradict the existence of a major CW effort. A combination of direct and inferential evidence indicates that Iraq abandoned efforts to maintain a hidden CW capacity in mid-1991. Postwar

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[329] CIA, Iraq WMD Retrospective Series, *Disposition of Iraqi Scud-Type SRBMs*, January 4, 2005, Key Findings, p. i.

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information -- documents, site inspections, and debriefings of detainees and other experts -- have provided credible explanations of most of the gaps and inconsistencies that troubled the CIA and UN inspectors before OIF.[330]

C. Roles and Capabilities of Iraq Pre-OIF UAVs

(U) The UAV retrospective concludes that information acquired since Operation Iraqi Freedom indicates that most Iraqi unmanned aerial vehicles were developed for nonlethal roles such as reconnaissance and electronic warfare, and as air defense targets. The retrospective states that the CIA had found no post-OIF information confirming that any Iraqi small UAVs–UAVs not derived from manned aircraft–had been designed or modified for chemical or biological warfare agent delivery. The retrospective noted that post-OIF reporting does not confirm or disprove a CBW role for the L-29 manned UAV, but notes that the project was canceled in 2001.[331]

D. Iraq: Revisiting Nuclear Reassessments

(U) The key findings of the nuclear retrospective state that CIA, based on its postwar review, does not believe that Iraq took steps to produce nuclear weapons since 1991. The retrospective states that Saddam probably harbored some intent to acquire nuclear weapons, but there were credible claims – including in reports before the war – that suggest he had abandoned such pursuits. The retrospective states that those findings contrast with CIA's prewar view that Saddam had remained intent on acquiring nuclear weapons and had started to reconstitute Iraq's nuclear weapons program when UN inspectors left in December 1998.

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[330] CIA, Iraq WMD Retrospective Series, *Iraq: No Large-Scale Chemical Warfare Efforts Since Early 1990s*, January 18, 2005, Key Findings, p. i.

[331] CIA, Iraq WMD Retrospective Series, *Iraq: Roles and Capabilities of Iraqi Pre-OIF UAVs,* October 19, 2005, Key Findings, p. i.

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(U) With respect to Iraq's pursuit of aluminum tubes, the retrospective states that Iraq's interest in them is best explained by efforts to produce ground-to-ground rockets. Concerning uranium, the retrospective states that the CIA currently sees no credible basis to assess that Iraq was seeking uranium from abroad as assessed prior to the war.[332]

E. Misreading Intentions: Iraq's Reaction to Inspections Created Picture of Deception

(U) This retrospective examines both Iraq's reaction to inspections and Western misperceptions about Iraqi behavior. The retrospective found that:

> Iraq's intransigence and deceptive practices during the periods of UN inspections between 1991 and 2003 deepened suspicions among many world governments and intelligence services that Baghdad had ongoing WMD programs. Ironically, even at key junctures when the regime attempted to partially or fully comply with UN resolutions, its suspicious behavior and destruction of authenticating documentation only reinforced the perception that Iraq was being deceptive.[333]

(U) A key event, according to the retrospective, was the UN's aggressive inspections of Iraq in 1991. This shocked the Iraqis, who had believed they would not have to comply and that the inspections would end in a few weeks.[334] This led to what the retrospective characterizes as Iraq's "fateful decision" to covertly dismantle or destroy undeclared WMD items and also destroy the records that

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[332] CIA, Iraq WMD Retrospective Series, Iraq: Revisiting Nuclear Assessments, January 9, 2006, Key Findings, p. i.

[333] CIA, Iraq WMD Retrospective Series, *Misreading Intentions: Iraq's Reaction to Inspections Created Picture of Deception*, April 10, 2006, Key Findings, p. i.

[334] *Id.* at 1.

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could have verified that unilateral destruction.[335] The result was that Iraq was unable to provide proof when it tried at a later time to establish compliance. Continuing UN discoveries that Iraq had concealed items and activities and Iraq's inability to rectify the shortcomings, "were seen to validate analytic assessments that Iraq intended to deny, deceive, and maintain forbidden capabilities."[336]

(U) After the 1995 defection of Husayn Kamil, who was a key figure in Iraq's early WMD deception activities, Iraq attempted to come clean on programs, albeit while saving face by blaming Husayn Kamil. Instead of helping to close the books, Iraq's revelations reinforced the idea that Iraq was deceptive and reinvigorated the hunt for concealed WMD. The retrospective discusses Iraq's perceptions that "[w]hen Iraq's revelations were met by added UN scrutiny and distrust, frustrated Iraqi leaders deepened their belief that inspections were politically motivated and would not lead to the end of sanctions."[337] The CIA now concludes, through captured documents and interviews, that Iraq's major concealment activities ended in 1995.[338]

(U) The retrospective concludes with an analytic discussion on findings in Iraq which states:

> What we are left with is an absence of evidence to sustain earlier assessments of coordinated and planned widespread D&D activity to conceal active WMD programs. We have not reviewed completely the vast amounts of physical evidence–audio and videotapes and documents. If Saddam's regime had carried out concealment and deception operations on WMD to the scale necessary, we believe we

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[335] *Id.* at 3.

[336] *Id.* at i.

[337] *Id.*

[338] *Id.* at 5.

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should have found at least some incidental reporting or references, logistical documents and the like that we have found on other equally damaging topics–like Iraqi genocide and CW use. There comes a point where the absence of evidence does indeed become the evidence of absence."[339]

[339] *Id.* at 16.

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Appendix B: Intelligence Community Postwar Analytic Efforts to Assess Iraqi Connections to Terrorism

The following section provides brief background on the Intelligence Community's postwar efforts to assess the accuracy of their analysis prior to the war.

A. Central Intelligence Agency

(U) The office of Terrorism Analysis (OTA) in CIA's Counterterrorist Center has been producing assessments on Iraqi ties to terrorist groups and terrorism in Iraq since shortly after 11 September 2001. The effort was initiated in response to a growing number of requests for analysis on the subject. As part of the effort, the office in May 2004 set up a team of several analysts to evaluate reporting on the former regime's ties to al-Qa'ida and Abu Musab al-Zarqawi.

B. Defense Intelligence Agency

(U) Since late 2001, DIA's Joint Intelligence Task Force – Combating Terrorism (JITF-CT) has conducted periodic reassessments when further information is acquired. Captured document exploitation and detainee information are particularly helpful. Prior to the war, the JITF-CT Iraq Focus Cell analyzed all aspects of Iraq and terrorism, including the prewar threat posed by the regime and its terrorist allies.

(U) DIA manages the media exploitation effort focused on garnering intelligence from documents, tapes and computers produced by the Saddam Hussein regime. Over the past three years, the effort has secured and partially processed more than 26 million pages of documents and over ten terabytes of analog and digital media.[340]

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[340] "Information Paper," DIA.

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(U) DIA provided the Committee with several new pieces of intelligence collected since the fall of Saddam Hussein. Additionally, DIA retracted intelligence assessments based on the information from key al Qa'ida detainee al-Libi.

C. National Security Agency

(U) Prior to the launch of Operation Iraqi Freedom, NSA maintained a group of analysts and collection managers partially dedicated to assessing Iraqi connections to terrorism.[341] The NSA does not have a dedicated analytic effort to address intelligence that might shed light on Iraq's relationship with al-Qa'ida prior to the war.

D. Department of State's Bureau of Intelligence and Research

(U) During the period prior to the U.S. invasion of Iraq, INR spent considerable analytical resources on the question of the relationship between Iraq and al-Qa'ida. Since the war began, however, INR has not dedicated its limited resources to the historical analysis of the relationship.

E. Federal Bureau of Investigation

(U) The FBI does not have formal efforts underway to review the prewar relationship between the former Iraqi regime and al-Qa'ida. The FBI continues to analyze information and intelligence on Iraq, particularly in its conduct of interviews of high value targets and participation in document exploitation.[342] The FBI provided the Committee with particularly useful information from the debrief of Saddam Hussein and several high-ranking Iraqi intelligence officers.

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138 *See* FBI response to SSCI Staff questions.

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COMMITTEE ACTION

Amendments to draft report, Postwar Findings about Iraq's WMD Programs and Links to Terrorism and How they Compare with Prewar Assessments.

On August 2, 2006, by a vote of 9 ayes and 6 noes, the Committee agreed to an amendment by Senator Levin, with a modification. The amendment inserted text on pages 96-97 of the report information from a March 13, 2003 CIA operations cable. The votes in person or by proxy were as follows: Chairman Roberts – no; Senator Hatch – no; Senator DeWine – no; Senator Bond – no; Senator Lott – no; Senator Snowe – aye; Senator Hagel – aye; Senator Chambliss – no; Vice Chairman Rockefeller – aye; Senator Levin – aye; Senator Feinstein – aye; Senator Wyden – aye; Senator Bayh – aye; Senator Mikulski – aye; Senator Feingold – aye.

On August 2, 2006, by a vote of 8 ayes and 7 noes, the Committee agreed to an amendment by Senator Wyden. The amendment struck from page 83 of the report a press statement by Brigadier General Vincent Brooks, of the United States Central Command, regarding information purportedly discovered in April 2003 at the Salman Pak facility. The votes in person or by proxy were as follows: Chairman Roberts – no; Senator Hatch – no; Senator DeWine – no; Senator Bond – no; Senator Lott – no; Senator Snowe – no; Senator Hagel – aye; Senator Chambliss – no; Vice Chairman Rockefeller – aye; Senator Levin – aye; Senator Feinstein – aye; Senator Wyden – aye; Senator Bayh – aye; Senator Mikulski – aye; Senator Feingold – aye.

On August 2, 2006, by a vote of 7 ayes and 8 noes, the Committee rejected an amendment by Senator Wyden to strike from page 76 of the report information from the June 2002 paper, *Iraq and al Qa'ida: Interpreting a Murky Relationship*, wherein the CIA, without qualification, stated that Ibn al-Shaykh al-Libi claimed Iraq had provided unspecified CBW training for two al-Qa'ida associates in 2000. The votes in person or by proxy were as follows: Chairman Roberts – no; Senator Hatch – no; Senator DeWine – no; Senator Bond – no; Senator Lott – no; Senator

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Snowe – no; Senator Hagel – no; Senator Chambliss – no; Vice Chairman Rockefeller – aye; Senator Levin – aye; Senator Feinstein – aye; Senator Wyden – aye; Senator Bayh – aye; Senator Mikulski – aye; Senator Feingold – aye.

On August 2, 2006, by a vote of 9 ayes and 6 noes, the Committee adopted an amendment by Senator Levin, with a modification. The amendment inserted on pages 117-118 of the report a discussion of testimony before the Committee of former Director of Central Intelligence George Tenet. As modified, the amendment inserted the text of a letter former Director Tenet sent to the Committee clarifying his testimony. The votes in person or by proxy were as follows: Chairman Roberts – no; Senator Hatch – no; Senator DeWine – no; Senator Bond – no; Senator Lott – no; Senator Snowe – aye; Senator Hagel – aye; Senator Chambliss – no; Vice Chairman Rockefeller – aye; Senator Levin – aye; Senator Feinstein – aye; Senator Wyden – aye; Senator Bayh – aye; Senator Mikulski – aye; Senator Feingold – aye.

On August 2, 2006, by unanimous consent, the Committee adopted an amendment by Vice Chairman Rockefeller, with a modification. The amendment, as modified, clarified the report's description of a statement made by Saddam Hussein to the Federal Bureau of Investigation.

On August 3, 2006, by voice vote, the Committee agreed to an amendment by Senator Levin, with a modification, related to the conclusions of the report. The amendment inserted and struck text in Conclusion 3, relating to Intelligence Community assessments of reporting by Ibn al-Shaykh al-Libi, and in Conclusion 7, relating to Intelligence Community assessments of an alleged meeting between Muhammad Atta, a hijacker involved in the terrorist attacks of September 11, 2001, and an Iraqi intelligence officer in Prague.

On August 3, 2006, by a vote of 7 ayes and 8 noes, the Committee rejected an amendment by Senator Levin to insert text in Conclusions 1, 2, 7. The proposed amendment would have inserted in the conclusions an assessment of how postwar information related to Intelligence Community assessments of Iraqi

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nuclear (Conclusion 1), biological (Conclusion 2), and chemical (Conclusion 7) weapons programs prior to the assessments of the programs contained in the 2002 National Intelligence Estimate. The votes in person or by proxy were as follows: Chairman Roberts – no; Senator Hatch – no; Senator DeWine – no; Senator Bond – no; Senator Lott – no; Senator Snowe – no; Senator Hagel – no; Senator Chambliss – no; Vice Chairman Rockefeller – aye; Senator Levin – aye; Senator Feinstein – aye; Senator Wyden – aye; Senator Bayh – aye; Senator Mikulski – aye; Senator Feingold – aye.

Adoption of findings and conclusions of the report: Postwar Findings about Iraq's WMD Programs and Links to Terrorism and How they Compare with Prewar Assessments.

On August 3, 2006, on motion by Vice Chairman Rockefeller, by a vote of 14 ayes and 1 no, the Committee agreed to adopt the findings and conclusions of the report, *Postwar Findings about Iraq's WMD Programs and Links to Terrorism and How they Compare with Prewar Assessments.* The votes in person or by proxy were as follows: Chairman Roberts – aye; Senator Hatch – aye; Senator DeWine – aye; Senator Bond – aye; Senator Lott – no; Senator Snowe – aye; Senator Hagel – aye; Senator Chambliss – aye; Vice Chairman Rockefeller – aye; Senator Levin – aye; Senator Feinstein – aye; Senator Wyden – aye; Senator Bayh – aye; Senator Mikulski – aye; Senator Feingold – aye.

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ADDITIONAL VIEWS OF SENATORS ROBERTS, HATCH, AND CHAMBLISS

Overall, the findings and conclusions of the Committee report, *Postwar Findings About Iraq's WMD Programs an Links to Terrorism and How they Compare with Prewar Assessments*, generally comport with the facts found by the Committee's inquiry. While the vote to approve this report was nearly unanimous, I expect that some members will now criticize the report as being too narrowly focused on the 2002 National Intelligence Estimate (NIE), *Iraq's Continuing Programs for Weapons of Mass Destruction*, and for excluding information regarding a particular source. A careful review of the facts surrounding the pre-2002 assessments and the source in question highlight the weaknesses in any criticisms based on these issues.

Consideration of Pre-2002 Intelligence Community Assessments

During Committee consideration of this report, the minority offered an amendment to three of the report's conclusions. The proposed amendment would have included information from Intelligence Community assessments prepared in the years prior to the publication of the 2002 NIE.[343] Supporters of the amendment argued that these pre-2002 assessments contained expressions of uncertainty about the Intelligence Community's judgments and, therefore, that these assessments of Iraq's WMD programs were somehow accurate.

First, the insistence on including discussion of the pre-2002 assessments reveals a fundamental misunderstanding of the role of the NIE. At the time of its preparation, the 2002 NIE was the Intelligence Community's most up to date, authoritative, and comprehensive judgment about Iraq's WMD capabilities. In

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[343] It is worth noting that the Committee's intention to focus on the 2002 NIE was outlined clearly in the very first draft of this report circulated to Committee members on November 8, 2005. At no point prior to the start of negotiation of conclusions in May 2006 did any Committee member or staff request or suggest that the report's review include an analysis of pre-2002 Intelligence Community assessments. Additionally, the offered amendment called for inclusion of the pre-2002 assessments only in the conclusions portion of the report, not in the findings portion. Thus, had the amendment been adopted, the conclusions would have referenced information not analyzed as part of the Committee review and not discussed in the Committee's findings of fact.

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fact, the 2002 NIE was prepared at the request of Democrat members of this Committee to provide policymakers deliberating the authorization for use of force against Iraq, the benefit of the Intelligence Community's coordinated judgments. Because the 2002 NIE was the Intelligence Community's most authoritative and comprehensive assessment at the time Congress authorized military action against Iraq, the Committee properly focused its review on information contained within that assessment.

That fact alone would have justified rejection of the proposal to include information from pre-2002 Intelligence Community assessments. But the minority's characterization of the pre-2002 Intelligence Community assessments, as included in the offered amendment, was also inaccurate. The amendment asserted that these assessments accurately judged the state of Iraq's WMD programs. In support of this assertion, the proponents of the amendment argued that the Intelligence Community's inclusion of statements of uncertainty about certain key judgments made these assessments accurate.

While supporters of the amendment focused on the uncertainties the Intelligence Community expressed in its assessments prior to 2002, they ignored the fact that these very same assessments contained numerous judgments about Iraq's WMD programs that were the same as the judgments expressed in the 2002 NIE. For example, the Intelligence Community's judgments regarding biological weapons in two estimates from 2000 said:

- New information suggests that Baghdad had continued and expanded its offensive BW program by establishing a large-scale redundant, and concealed, BW agent production capability. – National Intelligence Estimate, *Worldwide BW Programs: Trends and Prospects Update*, December 2000;

- We judge that Iraq has BW delivery systems available that could be used to threaten U.S. and allied forces in the Persian Gulf region. – National

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Intelligence Estimate, *Worldwide BW Programs: Trends and Prospects Update*, December 2000; and

- Our main judgments about what remains of Iraq's original WMD programs, agent stockpiles, and delivery systems have changed little: Iraq retains stockpiles of chemical and biological agents and munitions. – Intelligence Community Assessment, *Iraq: Steadily Pursuing WMD Capabilities*, December 2000.

Additionally, pre-2002 Intelligence Community assessments of Iraq's chemical weapons capabilities said:

- We believe that Iraq possesses chemical agent stockpiles that can be, or already are, weaponized and ready for use. The size, location, nature, and condition of those stockpiles is unknown. – Joint Intelligence Report, *Iraq: WMD and Delivery Capabilities After Operation Desert Fox*, January 1999;

- We judge that Iraq's expansion of its chemical industry is intended to support CW production. – Intelligence Community Assessment, *Iraq: Steadily Pursuing WMD Capabilities*, December 2000;

- We believe that Iraq has chemical agent and stable intermediaries in bulk storage, production equipment, and filled munitions that are still militarily useful. – Intelligence Community Assessment, *Iraq: Steadily Pursuing WMD Capabilities*, December 2000;

- We assess the size of the CW agent stockpile to be 100 tons or less. – Intelligence Community Assessment, *Iraq: Steadily Pursuing WMD Capabilities*, December 2000; and

- Our main judgments about what remains of Iraq's original WMD programs, agent stockpiles, and delivery systems have changed little: Iraq retains stockpiles of chemical and biological agents and munitions. – Intelligence

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Community Assessment, *Iraq: Steadily Pursuing WMD Capabilities*, December 2000.

While it is true that the Intelligence Community more carefully explained the uncertainties behind these pre-2002 assessments than in the 2002 NIE, the fact remains–these were the Community's assessments. ***Post-war findings indicate all of these assessments were wrong.***

While the Committee has, and will continue to encourage analysts to explain clearly what they know and what they do not know, expressions of uncertainty must not be equated with assessments or judgments. Expressions of uncertainty, though necessary, are nothing more than acknowledgments of a lack of known, verifiable facts. And, the inclusion of expressions of uncertainty alone does not make a judgment or assessment accurate. ***Despite the contentions of supporters of the amendment, the fact that the Intelligence Community acknowledged uncertainty in some of its judgments does not make the pre-2002 assessments highlighted above accurate. Indeed, they are just as wrong as the 2002 NIE on which the Committee rightfully focused.***

Information from Source with Direct Access to Saddam Hussein

In the final days of work on this report, members of the minority requested that the report include a limited discussion of information about the prewar reporting of a human intelligence (HUMINT) source who had direct access to Saddam Hussein and his inner circle. While we believe this information is important, we opposed its inclusion for several reasons. First, this HUMINT report was outside of the scope of this review, which was to compare postwar findings about Iraq's WMD programs and terrorism links to prewar assessments. ***This HUMINT report was neither a postwar finding nor a prewar assessment.*** Second, the Committee's initial examination of this issue has raised additional questions and areas of inquiry that should be pursued further. We did not see the wisdom of rushing to report partial findings when those findings did not even fall within the scope of the report. Third, and most important, the request called for

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the inclusion of only the terrorism portion of the source's reporting. We could not accept the telling of only half the story.

Despite our concerns about discussing the details of an unfinished inquiry, we are concerned that only one side of this issue will be discussed in the Minority's additional views. As such, we feel compelled to explain what we know about this matter at this time.

In September 2002, the CIA obtained, from a source, information that allegedly came from a high-level Iraqi official with direct access to Saddam Hussein and his inner circle. The information this source provided was considered so important and so sensitive that the CIA's Directorate of Operations prepared a highly restricted intelligence report to alert senior policymakers about the reporting. Because of the sensitivity, however, that it was not disseminated to Intelligence Community analysts.

The intelligence report conveyed information from the source attributed to the Iraqi official which said:

- Iraq was not in possession of a nuclear weapon. However, Iraq was aggressively and covertly developing such a weapon. Saddam, irate that Iraq did not yet have a nuclear weapon because money was no object and because Iraq possessed the scientific know how, had recently called meeting his Nuclear Weapons Committee.

- The Committee told Saddam that a nuclear weapon would be ready within 18-24 months of acquiring the fissile material. The return of UN inspectors would cause minimal disruption because Iraq was expert at denial and deception.

- Iraq was currently producing and stockpiling chemical weapons.

- Iraqi scientists were dabbling with biological weapons with limited

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success, but the quantities were not sufficient to constitute a real weapons program.

- Iraq's weapons of last resort were mobile launchers armed with chemical weapons which would be fired at enemy forces and Israel.

With respect to this reporting on Iraq's WMD programs, then-Director of Central Intelligence George Tenet commented in his Georgetown Speech in February 2004, "[A]s this and other information came across my desk, it solidified and reinforced the judgments we had reached and my own view of the danger posed by Saddam Hussein and I conveyed this view to our nation's leaders."

Regarding Iraq's connections to al-Qa'ida, the high-level Iraqi official allegedly said that Iraq has no past, current, or anticipated future contact with Usama bin Laden and al-Qa'ida. He added that bin Laden was in fact a longtime enemy of Iraq. In contrast to the information about WMD, this information was never disseminated at all. It was not used in intelligence reporting provided to policymakers and was not disseminated as intelligence reporting for analysts. When asked why this information was not disseminated, CIA told the Committee that the report did not add anything because it did not provide anything new.

The Committee was aware of this source's WMD reporting during the first phase of the Committee review, *the U.S. Intelligence Community's Prewar Assessments on Iraq*, but began exploring this issue again as a result of press reports, in particular a story on *60 Minutes*, "A Spy Speaks Out," which seemed to contradict the information available to the Committee.

The *60 Minutes* story focused on the account of the former Chief of CIA's Europe Division (Chief/EUR) who claimed that the source described above "told us that [Iraq] had no active weapons of mass destruction program." This story was followed by numerous other media appearances by the former Chief/EUR such as, CNN's *Lou Dobbs Tonight* and *Anderson Cooper 360 Degrees*, and MSNBC's *Hardball,* in which he claimed that the source said Iraq had no WMD programs.

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Concerned that something may have been missed in our first Iraq review, the Committee began to request additional information from the Intelligence Community and to question current and former CIA officers who were involved in this issue. As noted above, the Committee has not completed this inquiry, but we have seen the operational documentation pertaining to this case. ***We can say that there is not a single document related to this case which indicates that the source said Iraq had no WMD programs. On the contrary, all of the information about this case so far indicates that the information from this source was that Iraq did have WMD programs.*** Both the operations cable and the intelligence report prepared for high-level policymakers said that while Saddam Hussein did not have a nuclear weapon, "he was aggressively and covertly developing such a weapon." Both documents said "Iraq was producing and stockpiling chemical weapons" and they both said Iraq's weapon of last resort was mobile launched chemical weapons, which would be fired at enemy forces and Israel. The source's comments were consistent with the nuclear, chemical and missile assessments in the October 2002 WMD NIE. The only program not described as fully active was the biological weapons program which the source described as "amateur," and not constituting a real weapons program.

The former Director of Central Intelligence testified before the Committee in July 2006 that the former Chief/EUR "has mischaracterized [the source's] information" and said the former Chief/EUR never expressed a view to him, as the former Chief/EUR has claimed publicly, that the source's information meant Iraq did not have WMD programs. The Committee is still exploring why the former Chief/EUR's public remarks differ so markedly from the documentation. While this issue was outside of the scope of Phase II of the Committee's review of Iraq intelligence, we look forward to continuing this work and resolving these and other questions about this matter as part of the Committee's normal oversight responsibilities.

PAT ROBERTS,
ORRIN G. HATCH,
SAXBY CHAMBLISS.

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ADDITIONAL AND MINORITY VIEWS OF SENATORS BOND, HATCH, LOTT, AND CHAMBLISS

(U) Any investigation that the Senate Select Committee on Intelligence (Committee or SSCI) undertakes should ultimately improve the Intelligence Community (IC) and enhance our national security. Unlike independent commissions, panels and boards, the oversight committees of Congress have the power to effect change. The fifteen members of this Committee along with our counterparts in the House of Representatives and our Committee staffs comprise the only oversight bodies outside of the Executive Branch with the authority to execute difficult, and much needed, intelligence transformation. This second report in a series of reports coming from a second round investigation into Iraq prewar intelligence comes at a critical juncture. Yet, rather than attempt to improve our efforts to combat terrorism and make our country safer, the results of this investigation were calculated to promote a partisan agenda. Thus, sadly, the Committee's two-year-long, second investigation of Iraq pre-war intelligence has failed to heed a higher call.

(U) Immediately following September 11 as well as after our invasion into Iraq, a number of outstanding investigations were conducted that produced actionable findings and recommendations in seminal documents such as: the Final Report of the National Commission on Terrorist Attacks Upon the United States known as the 9/11 Commission Report, reports by the U.S. Commission on National Security/21st Century known as the Hart-Rudman Commission, the Report of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction known as the Robb-Silberman Report, the British Review of Intelligence on Weapons of Mass Destruction known as the Bulter Report, the Report of the Joint Inquiry into Intelligence Community Activities before and after the Terrorist Attacks of September 11, 2001 by the House and Senate Intelligence Committees, the Report of the Select Committee on Intelligence on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq by the Senate Intelligence Committee. These hallmark reports were appropriate, well-written and deserved our foremost attention. Yet,

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for the past two years, rather than pursue our oversight role to ensure that some of the key findings and recommendations of these reports and others were enacted, this Committee's usefulness as an oversight body and as a key element in our national security apparatus has been consumed by a rear-view mirror investigation pursued for political ends. If this second round investigation had offered the Congress and the American people additional insights that the plethora of previous reports had overlooked, than we would have stood together in full support of it. The truth is, however, that it does not. Consequently, we are at this juncture – five years since 9/11 and months since terrorists in the United Kingdom attempted a potentially even more devastating and horrible attack on this nation and our British allies – wasting valuable time that could be used to conduct intensive oversight of our new intelligence structure. The cement is still wet on intelligence reform, and it should be the primary business of the Committee to oversee it aggressively.

(U) The report the Committee produced in July 2004 resulted in the Intelligence Reform and Terrorism Prevention Act of 2004, which reorganized the Intelligence Community and created the Office of the Director of National Intelligence. All 15 members of the Committee signed on to this bipartisan effort. That report highlighted areas for follow-up that the Executive Branch and the Congress could use to improve our national security. We applauded the Committee for its collaborative efforts in producing that report and desired to get to work overseeing the Intelligence Community, instead we found ourselves bogged down with yet another investigation.

(U) Simply stated, this second series of reports is designed to point fingers in Washington and at the Administration. The conclusions in the reports were crafted with more partisan bias than we have witnessed in a long time in Congress. The "Phase II" investigation has turned the Senate Intelligence Committee, a committee initially designed to be the most bipartisan committee in the Senate, into a political playground stripped of its bipartisan power, and this fact has not gone unnoticed in the Intelligence Community. The Committee will only return to proper and aggressive intelligence oversight once its membership determines to

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get back to its primary function for the betterment of our national security. Although the structure of the Committee provides for effective bipartisan oversight, the recent agenda of its membership has not fallen in line with the Committee's primary purpose.

(U) The Chairman's additional views in this second report lay out the factual discrepancies, false impressions and inaccuracies; we support these views. Regrettably, not all the conclusions reached in this report constitute, in our view, a useful guide for the Intelligence Community in its ongoing efforts to improve our intelligence capabilities. This Committee must conduct forward-looking oversight, even when addressing matters of the past. In the current threat environment, amidst a struggle against international terrorists and their state sponsors, we cannot afford to sacrifice opportunities to improve our intelligence capability for the sake of rehashing history to build a case for partisan politics.

(U) The Intelligence Community's lack of management controls and adherence to its own procedures resulted in critical errors. These mistakes point to the urgent need for increased attention to asset validation procedures and the strengthening of those procedures throughout the Intelligence Community. Although it is apparent that the Intelligence Community did undertake some attempts at asset validation, it is clear that these efforts were uneven.

(U) It is the responsibility of organizations charged with collecting and reporting information from human sources to employ rigorous validation procedures and to ensure sources are thoroughly vetted before incorporating their information into finished intelligence publications for decision makers. However, it is also an analyst's responsibility to continue the validation process by continuously reviewing information against new intelligence and comparing, for example, source descriptions and any cautionary warnings. Asset validation process must be a continuous vetting tool used throughout the life of an operation to describe, evaluate, and utilize human sources more effectively. The process makes better use of limited resources, reduces uncertainty, and provides decision-

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makers the confidence that the Intelligence Community has exercised due diligence in assessing the reliability of its information.

(U) The Director of National Intelligence must establish common asset validation standards and descriptions across the Intelligence Community, and ensure that intelligence reporting used in the most important intelligence documents, affecting policymaking at the highest levels of the U.S. Government, be subjected to a thorough validation process.

(U) We joined the Senate Intelligence Committee to conduct oversight, not to perform witch hunts; we serve on the Senate Intelligence Committee to make our Intelligence Community better, not to use it for partisan politics; we travel overseas to speak with our operators on the ground in order to gain insights in how to support them and make them successful. As such, we have endeavored to work with colleagues on both sides of the aisle to accommodate as many concerns as possible, and we believe it is time to move forward with active intelligence oversight.

(U) The easiest way for Congress to give the impression that it is conducting oversight without doing so is to conduct another investigation. Investigations are important, yet it is only when steps are taken to act on valid issues that surface during an investigation that Congress performs the job that the American people elected members to do; namely, oversight. This is why we joined the Committee several years ago, to conduct effective oversight. It is our sincere desire that the Committee will return its full effort to such oversight sooner than later. As the foiled terrorist plot in Britain in August 2006 reminded us, the terrorists won't wait; neither should we.

CHRISTOPHER S. BOND,
ORRIN G. HATCH,
TRENT LOTT,
SAXBY CHAMBLISS.

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