

CW Use in Terrorist Attacks

ISIL's resort to toxic chemicals in Syria and Iraq

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Terrorist Use of WMD

Centre of Excellence – Defence Against Terrorism, Ankara, 11 – 15 April 2016

Terrorism or method of warfare?

- **Repeated use**
 - Several attacks involving chlorine attributed to ISIL since the 2nd half of 2014
 - Most in Syria, but also in Iraq
 - Three incidents involving mustard agent (Iraq and Syria)
 - ISIL precursor organisation – *al-Qaeda in Iraq (AQI)* – organised over 20 chlorine attacks in Iraq between October 2006 and July 2007
- **Purpose**
 - Terror played a significant role in AQI and early ISIL attacks
 - Targeted civil population to subdue local inhabitants (AQI & ISIL)
 - Used against combatants to frighten and demoralise combatants defending positions
 - From early 2015 on, increasing indications that toxic chemicals began supporting military operations
 - Initially chlorine released via IED (was not very effective)
 - Isolated testing involving single mortar rounds already in autumn 2014
 - Late spring 2015: more concentrated attacks with many mortar rounds in support of combat operations
 - Use of mustard agent confirmed by OPCW, but purpose unclear
 - Still isolated incidents

Opportunistic use of industrial toxic chemicals

- **Basic characteristics**

- No autochthonous development or production of the toxic agent
- Usually obtained from industrial production plants or storage sites
 - AQI also hijacked lorries transporting liquid chlorine from Jordan and Syria to Baghdad and then rigged the vehicles with explosives
- Attacks end after stockpile of toxic agent has been depleted

- **Challenge**

- Other types of attack have involved sabotaging storage facilities, deliberate release into the environment (industrial action), or deliberate targeting of such installation by artillery (e.g., around Sarajevo)
- In criminal or terrorism cases, occasionally off-the-shelf poisons (e.g., rodent exterminators) or caustic substances (e.g., acid attacks) have been applied
- More toxic substances than usually considered as warfare agents become a possible weapon
 - E.g., in the Middle East *phosphine* – a chemical belonging to the nerve agent family – is widely used as a rodent pesticide and for fumigation in agriculture

Weapon innovation

- **AQI (2006 – 07)**
 - No development or production of the agent (chlorine)
 - Obtained from water purification installations and captured lorries
 - Attacks ceased when sources depleted and after the Iraqi government stopped chlorine transport from Jordan and Syria
 - Consequence: upsurge in cholera cases in and around Baghdad
 - However, some development in dissemination technology
 - Initially, explosives too strong and destroyed chlorine; casualties from debris
 - Spring 2007: explosives more calibrated; some casualties suffering from chlorine inhalation
- **ISIL (2014 – 16)**
 - Opportunistic use of chlorine in Syria, but less certainty about provenance
 - First reports were not unlike those about AQI
 - Autumn 2014: reports from Iraq suggesting testing of different dissemination devices, including mortar rounds
 - Late spring 2015: several reports of attacks involving many chlorine-filled mortar rounds
- **Mustard agent**
 - 3 attacks attributed to ISIL in Iraq and Syria
 - Many hypotheses about origin (production in Mosul, al Muthanna site in Iraq, recovered battlefield munitions from Iran – Iraq war, former Syrian stockpile, etc.)
 - If indeed a weapon programme:
 - How large is it?
 - What is its production capacity?
 - Who and how many persons are involved?

Jaysh al-Islam – another CW attack?

- **Reports of attack in Sheikh Maksoud district, Aleppo (7 April 2016)**
 - 23 killed; over 100 injured; later reduced to 8 dead and 29 injuries
 - Description of yellow smoke rising in impact area
 - First described as ISIL attack
 - One day later: *Jaysh al-Islam* admits to attack
 - Unauthorised use by commander in Aleppo area
 - Commander referred to military court
- **Implications of the report from an armament perspective**
 - Suggests that Jaysh al-Islam command and control structure for CW operations
 - Suggests possession of a clear rules (military doctrine and tactical guidance) for using CW
 - Suggestive of possession of CW stockpile with weapons close to battlefield
- **However, is the story suspect?**
 - Jaysh al-Islam normally operates in Ghouta area near Damascus
 - No explanation thus far as to why Jaysh al-Islam would be combating Kurds up north
 - No information on the nature of agent or its provenance
 - PsyOps?
 - Why admit to incident?
 - Would certainly a clever way of suggestion more than what exists in reality

Implications for the OPCW

- **Insurgent use of CW: Awkward problem from a legal perspective**
 - Use of CW by **a non-state actor against another non-state actor** on the **territory of a State Party** that is **not in control of that territory**
 - Problems for
 - Investigation of allegations
 - Attribution of responsibility
 - Sanctioning perpetrators (domestic penal law; international criminal law)
 - Scope of action for States Parties to CWC; UN Security Council
- **Near-universality of the CWC**
 - Risk that States Parties, nationals from States Parties or entities operating from the territory of States Parties play a role in the acquisition of CW and preparations for their use by insurgents *is not beyond imagination*
 - Already several allegations to that effect related to the Syrian civil war since late 2012
 - The problem needs to be characterised, assessed, and if necessary, addressed
 - For the future of the treaty regime, refutation is as important as confirmation



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