CW Use in Terrorist Attacks

ISIL’s resort to toxic chemicals in Syria and Iraq

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Terrorist Use of WMD
Terrorism or method of warfare?

**Repeated use**
- Several attacks involving chlorine attributed to ISIL since the 2\textsuperscript{nd} half of 2014
  - Most in Syria, but also in Iraq
- Three incidents involving mustard agent (Iraq and Syria)
- ISIL precursor organisation – \textit{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 battlefront

- 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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