

# ESPAC

## AMERICAN CLAIMS ABOUT THE AL-SHIFA FACTORY PUT TO THE TEST

The United States government has now made five claims about the al-Shifa factory in its attempts to justify its Cruise missile attack on the plant on 20 August 1998. These are as follows: The al-Shifa plant was making precursors to the VX nerve gas, namely a compound known as Empta; that Osama bin-Laden either owned or had a financial link to the al-Shifa factory; that the al-Shifa factory did not produce any medicines or drugs; that the al-Shifa factory was a high security facility guarded by the Sudanese military; and that there were weapons of mass destruction technology links between Sudan and Iraq

After just over one week of sifting through American government claims, the internationally-respected British newspaper, *The Observer*, has spoken of:

a catalogue of US misinformation, glaring omissions and intelligence errors about the function of the plant.<sup>1</sup>

*The Observer* newspaper reported that American intelligence sources were moving to “less and less credible positions”.

An examination and assessment of the evidence released by the United States would appear to be confused, inconclusive and contradictory. The American evidence was immediately challenged by American and European scientists, chemists and chemical warfare experts.

### **Claim Number 1 The al-Shifa plant was making precursors to the VX nerve gas**

While claiming to have “physical evidence” to support their attack on al-Shifa, United States officials initially said that they would not be able to release it for security reasons.

Speaking on CNN’s Late Edition on 22 August, the President’s National Security Adviser, Sandy Berger, refused to describe the “physical evidence” the government had,

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<sup>1</sup> ‘Sudanese plant “not built for weapons”’, *The Observer*, 30 August, 1998.

saying that it was necessary to protect intelligence methods and sources. In the days following the attack, Bill Richardson, the United States ambassador to the United Nations, said that the United States government was in possession of “undeniable physical evidence” that al-Shifa was being used to manufacture chemical weapons. He admitted that the American government had not presented this evidence to the United Nations Security Council, but that it had been shown to United States congressional leaders. Richardson stated that “We believe that is sufficient”.<sup>2</sup>

After further international pressure, the United States government officials then stated on 24 August that the United States had material from the plant, including equipment and containers which carried residues of a chemical substance with no commercial uses, but which it was said was exclusively used in VX nerve gas.<sup>3</sup> It was additionally stated by the two anonymous officials that the CIA had used light spectrum data collected by spy satellites to analyse emissions from the plant and that they may also have employed banded migratory birds that fly through Khartoum to gather information about production at the plant.<sup>4</sup>

The United States position then shifted, and on 25 August it claimed that the key evidence justifying its destruction of the al-Shifa plant was in fact a soil sample of a precursor chemical in the making of the VX nerve gas obtained months previously from the factory.<sup>5</sup> The United States government then refused to identify what they claimed to be the precursor.<sup>6</sup>

The White House press spokesman, Mike McCurry, speaking on 24 August, stated, for example, that:

The nature of that information is classified now.<sup>7</sup>

After several days of attempting to avoid naming the compound, the American government stated that the chemical was said to be O-ethylmethyl-phosphonothioic acid, or EMPTA.

No less a person than the Under Secretary of State, Mr Thomas Pickering, went on record to state that:

The physical evidence is a soil sample, analysis of it shows the presence of a chemical whose simple name is EMPTA, a known precursor for the nerve agent VX... We think that it was this evidence, and evidence like it, which made our decision to carry out this strike on this particular target the correct and proper decision under the circumstances.<sup>8</sup>

Pickering dismissed the need for an independent investigation of the site:

I don't believe that an international investigative committee needs to have an additional role. The evidence in our view is clear and persuasive.<sup>9</sup>

The soil samples were said to have been obtained from the factory itself.<sup>10</sup> An American intelligence official added that:

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<sup>2</sup> 'Sudan's plea for inquiry is spurned', *The Financial Times*, 25 August 1998.

<sup>3</sup> CIA "has residue from Shifa plant", *The Guardian*, 25 August 1998.

<sup>4</sup> 'Britain and Sudan trade blows as US claims VX gas "evidence"', *The Independent*, 25 August 1998.

<sup>5</sup> 'U.S. Says Iraq Aided Production of Chemical Weapons in Sudan', *The New York Times*, 25 August 1998.

<sup>6</sup> 'US had "precursor" to nerve gas sample from Sudanese plant: Newsweek', News Article by *Agence France Presse* on August 23, 1998 at 19:49 GMT.

<sup>7</sup> 'US Confident of Attacks' Success', News Article by UPI on August 24, 1998 at 26:50:41

<sup>8</sup> 'U.S. State Dept. says soil showed VX-Sudan link', News Article by Reuters on August 26, 1998 at 6:43 AM EDT.

<sup>9</sup> 'U.S. State Dept. says soil showed VX-Sudan link', Article by Reuters on August 26, 1998 at 6:43 AM EDT.

It is a substance that has no commercial applications, it doesn't occur naturally in the environment, it's not a by-product of any other chemical process. The only thing you can use it for, that we know of, is to make VX.<sup>11</sup>

The American claims were almost immediately challenged by independent sources. *The Independent* newspaper reported, for example, that:

Chemical weapons experts believe the evidence presented so far is not strong enough. They point out that key components of chemical weapons have "dual use" and are also used in medicines, even bubble bath and shampoo.<sup>12</sup>

The newspaper quoted Alfred Frey, a chemical weapons expert working for the United Nations, who said that EMPA was not conclusive scientific evidence of involvement in producing nerve gas. Mr Frey is a United Nations Iraqi weapons inspector. He stated:

That would tell me I found this product (the compound) and no more.

Even more damning was the finding by *The New York Times* that:

The chemical precursor of a nerve agent that Washington claimed was made at a Sudanese chemical factory it destroyed in a missile attack last week could be used for commercial products.<sup>13</sup>

*The New York Times* cited the Organization for the Prohibition of Chemical Weapons (OPCW) as stating that the chemical could be used "in limited quantities for legitimate commercial purposes". These purposes could be use in fungicides, and anti-microbial agents. It should be noted that the OPCW is an independent international agency which oversees the inspections of governments and companies to ensure they are not making substances that contravene the chemical weapons ban treaty.

There also appeared to be confusion in the official American government claims about the Empta compound. On 26 August, the U.S. Arms Control and Disarmament Agency stated that Empta was listed as a so-called Schedule 1 chemical - an immediate chemical weapons precursor with no recognised commercial use - by the Organisation for the Prohibition of Chemical Weapons. The U.S. Arms Control and Disarmament Agency then changed its public stance within a matter of hours, after OPCW officials said that Empta could have commercial uses. Contradicting American government claims, the Organisation for the Prohibition of Chemical Weapons said that the organisation classifies Empta on its Schedule 2b of compounds that could be used to make chemical weapons but which also have commercial uses. The OPCW said that Empta is identified with a process to make plastics flexible and also with some fungicides and anti-microbial agents.<sup>14</sup>

Concerns were raised by chemical weapons experts. Jonathan Tucker, of the Center for Nonproliferation Studies at the Monterey Institute of International Studies, voiced concern about the soil sample: "There are a lot of questions about the soil sample: Where was it taken? Who took it?". He also queried "the chain of custody" and asked if it had been ensured that the soil sample had not been contaminated. All in all, he stated:

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<sup>10</sup> 'US strives to justify aid strike on Sudan attack on factory', *The Independent*, 26 August 1998.

<sup>11</sup> 'US strives to justify aid strike on Sudan attack on factory', *The Independent*, 26 August 1998.

<sup>12</sup> 'US strives to justify aid strike on Sudan attack on factory', *The Independent*, 26 August 1998.

<sup>13</sup> 'Chemical made at bombed Sudanese factory had commercial uses: report, News Article by *Agence France Presse*, August 27, 1998 at 11:38 GMT.

<sup>14</sup> "Smoking Gun" for Sudan Raid Now in Doubt', *The Chicago Tribune*, 28 August 1998.

it's a bit of a dilemma in terms of the credibility of the U.S. case.<sup>15</sup>

On 27 August, *The New York Times* also stated that:

Today several American experts in chemical weapons and analysis offered another possible explanation of what the plant made. They said the chemical's structure resembled that of an agricultural insecticide, known as fonofos, which is commercially available in Africa. While the two are not identical, they have molecular similarities and could be confused in a laboratory test performed under less-than-ideal conditions, such as a delay between the taking of a soil sample in Khartoum and a scientific test of the sample.

This possibility was put forward by Mr Hank Ellison, a counter-terrorism expert who ran the American army's chemical and biological warfare programs at Fort Campbell, Kentucky, in the 1980s. Mr Ellison stated that the chemical characteristics of Empta and fonofos were "very similar" and that those similarities "could be misinterpreted in a lab analysis". Mr Ellison said:

I imagine this soil sample wasn't taken under the best of circumstances by somebody placing it in a cooler and immediately sending it to a lab. And quality control for the storage and manufacture of pesticides and insecticides is not the highest in the world, so that could increase the possibility of seeing similarities in the chemical structure.

*The New York Times* also interviewed an official with the chemical weapons organisation in the Hague who said that research also suggested that Empta could be the by-product of the breakdown of other pesticides. The official also stated that companies such as Mobil and International Chemical Industries of America had researched commercial applications using Empta.<sup>16</sup>

Mike Hiskey, an expert at the world-renowned Los Alamos National Laboratory in the United States, said that the chemical had commercial uses, including the manufacture of some herbicides and pesticides.<sup>17</sup>

*The Guardian* has also reported that:

a search of scientific papers showed that it could be used in a variety of circumstances.<sup>18</sup>

*The Observer* has also stated that:

US credibility has been further dented by Western scientists who have pointed out that the same ingredients are used for chemical weapons and beer, and that mustard gas is similar in make-up to the anti-clogging agent in biro ink. It has also been pointed out that the cherry flavouring in sweets is one of the constituent parts of the gas used in combat. Empta also has commercial uses not linked to chemical weapons.<sup>19</sup>

Professor R J P Williams FRS, at Oxford University's Inorganic Chemistry Laboratory, has also directly challenged the American claims, stating:

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<sup>15</sup> "Smoking Gun" for Sudan Raid Now in Doubt', *The Chicago Tribune*, 28 August 1998.

<sup>16</sup> 'Possible Benign Use Is Seen for Chemical At Factory in Sudan', *The New York Times*, 27 August, 1998.

<sup>17</sup> "Smoking Gun" for Sudan Raid Now in Doubt', *The Chicago Tribune*, 28 August 1998.

<sup>18</sup> 'Expert queries US labelling of Sudan chemicals', *The Guardian*, 28 August 1998.

<sup>19</sup> 'Sudanese plant "not built for weapons"', *The Observer*, 30 August 1998.

Types of the compound... an ethyl-methyl-phosphorus derivative, can be bought on the open market. If every laboratory which has such a chemical is to be bombed, then it is goodbye to many chemistry departments in UK, USA and all over the world... The public must know the facts about the chemicals concerned in order to feel sure that terrorist targets were attacked and not innocent parties. People world-wide will support the effort to eliminate terrorists, but not just random reprisal raids, just to show the ability to strike anybody, anywhere. The USA must come clean, as must our government.<sup>20</sup>

Professor Williams has also stated that the compound in question:

could also be linked to quite other synthetic chemical compounds. Insect and nematode (worm) agricultural chemicals are not unrelated. Nerve poisons are used against such "biological enemies".<sup>21</sup>

He warned that:

We must not be misled by technical language to cover up speculation. The UN or the Hague Court must ask the US and now the UK to say clearly what information provoked the attack on Sudan. If we want law and order to prevail we must show that we have just cause for such action, otherwise we are approving terrorist methods of our own.<sup>22</sup>

*The Guardian* has also reported on 28 August that:

Several American experts in chemical warfare say there is an agricultural insecticide, with similar properties, that can be easily mistaken for Empta.

*The New York Times* voiced continuing concerns about the American government claims:

Despite the Administration's offer of details about its evidence, there were still unanswered questions. The soil sample, which presumably measured either a spill or airborne particulars, did not prove that it was the pharmaceutical plant that produced the chemical, Empta.<sup>23</sup>

The Sudanese government had itself declared that it was unsatisfied with the American claims to have a soil sample.

The Sudanese information minister, Dr Ghazi Saleheddin, stated:

They have not produced any convincing evidence. We have to be satisfied that the United States is not making this up. It's not enough to produce soil which could have been made up in the United States itself, and to claim that the soil contains toxic agents. For a factory to produce toxic agents, you need special facilities, special preparations, special storage areas and preparations facilities. You can't keep things to yourself and keep claiming you have the final proof without allowing people to verify your claims.<sup>24</sup>

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<sup>20</sup> Letters to the Editor, *The Independent*, 26 August 1998.

<sup>21</sup> Letters to the Editor, *The Independent*, 28 August 1998.

<sup>22</sup> Letters to the Editor, *The Independent*, 28 August 1998.

<sup>23</sup> 'U.S. Says Iraq Aided Production of Chemical Weapons in Sudan', *The New York Times*, 25 August 1998.

<sup>24</sup> 'Sudan demands U.S. evidence that factory made nerve agents', News Article by Associated Press on August 25, 1998 at 12:50:46.

It should also be pointed out that the export manager of the al-Shifa factory, Alamaddin al-Shibli, challenged the American claim to have obtained a soil sample:

There's no way to take a sample of soil from this factory, according to the construction of this factory. It's either concrete or cement or carpet.<sup>25</sup>

By 26 August, ABC News reported that the United States administration was itself unsure of its claims:

Now, U.S. officials say they do not know with certainty whether the VX precursor was manufactured at the plant, was stored there, or may have represented a small quantity of research and development material.<sup>26</sup>

*The Observer* reported that American intelligence sources were moving to "less and less credible positions".<sup>27</sup> By 28 August, just over one week after the destruction of the al-Shifa factory, a United States Defence Department spokesman said:

There may have been better places to go. That doesn't mean it was the wrong place to go.<sup>28</sup>

***Claim Number 2 That Osama bin-Laden either owned or had a financial link to the al-Shifa factory.***

The United States government claimed that Osama bin-Laden had a financial interest in the al-Shifa factory. This was denied both by the owners and the Sudanese government. Mr Suleiman, the al-Shifa company's lawyer said that the owner was a Sudanese businessman, Salah Idris. The plant had been established by Bashir Hassan Bashir, and had been sold in March 1997 to Mr Idris.<sup>29</sup>

*The Financial Times* stated with reference to the ownership that:

The factory is owned by Salah Idris, a Saudi Arabia-based Sudanese. Mr Salah is from a family with close ties to Sudan's Khatmiyya religious sect which is vehemently opposed to Sudan's Islamist government and by implication an unlikely business partner for Mr bin Laden.<sup>30</sup>

On 25 August a United States intelligence official, giving an official briefing to the media on the American missile strikes admitted that the ties between bin-Laden and the al-Shifa factory were "fuzzy".<sup>31</sup> On the same day, Reuters reported that a United States intelligence official had said that he:

could not confirm any direct financial link between Bin Laden and the plant.<sup>32</sup>

*The Washington Post* reported that:

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<sup>25</sup> 'U.S. State Dept. says soil showed VX-Sudan link', News Article by Reuters on August 26, 1998 at 6:43 AM EDT.

<sup>26</sup> 'White House Has Trouble Explaining Attack on Sudan. More Questions Than Answers', ABCNews.com, Barbara Starr, Washington, August 26, 1998.

<sup>27</sup> 'Sudanese plant "not built for weapons"', *The Observer*, 30 August 1998.

<sup>28</sup> 'Sudanese plant "not built for weapons"', *The Observer*, 30 August 1998.

<sup>29</sup> 'Sudan tells British ambassador to go as diplomatic row grows', *The Guardian*, 25 August 1998.

<sup>30</sup> 'Doubts raised on US target claims', *The Financial Times*, 26 August 1998.

<sup>31</sup> 'U.S. Intelligence Cites Iraqi Tie to Sudan Plant', News Article by Associated Press on August 25, 1998 at 20:23:36.

<sup>32</sup> 'U.S. Intelligence defends VX-Sudan link', News Article by Reuters on August 25, 1998 at 7:27 PM EDT.

Within days, however, U.S. officials began pulling back from directly linking bin Laden to El Shifa Pharmaceutical. Instead, they said that his link was to the Sudanese military industrial complex - and that the Sudanese military was, in turn, linked to the VX precursor at El Shifa.<sup>33</sup>

This would appear to jar somewhat with a 24 August CNN report which investigated the ownership of the factory:

The Sudanese government says that this plant is privately owned. It produced ownership papers of the individuals who actually own this plant. It is part of private ownership. The government, itself, has nothing to do with this plant.<sup>34</sup>

By 31 August, it was being reported by *The New York Times* that:

Some U.S. officials now say Mr. bin Laden's financial support... did not directly flow to the plant itself

### **Claim Number 3 That the al-Shifa factory had no commercial products**

The American news service, ABC News, stated that senior intelligence officials had claimed in relation to the al-Shifa factory that:

there was no evidence that commercial products were ever sold out of the facility.<sup>35</sup>

President Clinton's National Security Advisor, Sandy Berger, personally stated that the Al-Shifa factory

has no other commercial distribution as far as we understand. We have physical evidence of that fact and very, very little doubt of it.<sup>36</sup>

The factory's lawyer, and leading Sudanese human rights activist, Ghazi Suleiman, said that the factory produced 60 percent of Sudan's pharmaceutical drugs, including antibiotics, malaria tablets and syrups, as well as drugs for diabetes, ulcers, tuberculosis, rheumatism and hypertension.<sup>37</sup>

Journalists who visited the site were able to find thousands of containers and bottles of human medication and animal drugs, clear evidence of the factory's commercial production.

The Sudanese government also made public the fact that al-Shifa had been in the process of filling a United Nations-approved contract to provide Iraq with \$200,000 worth of 'Shifzole 2.5 percent (Albndazole 2.5 percent for Levamisole)', a deworming drug for animals. The U.N.'s Iraqi sanctions committee had approved the contract in January 1998 as part of the "oil for food" programme.<sup>38</sup>

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<sup>33</sup> 'Employees Dispute Charge That Plant Made Nerve Agent', *The Washington Post*, 26 August 1998.

<sup>34</sup> 'Sudan Continues to Protest U.S. Bombings', Aired August 24, 1998 at 12:04 a.m. ET.

<sup>35</sup> 'White House Has Trouble Explaining Attack on Sudan. More Questions Than Answers', ABCNews.com, Barbara Starr, Washington, August 26, 1998.

<sup>36</sup> 'Sample From Sudan Plant Said to Link It to Weapons', *International Herald Tribune*, 25 August 1998.

<sup>37</sup> 'US bombing accelerates health crisis, says Sudan', *Electronic Mail & Guardian*, 25 August 1998.

<sup>38</sup> 'Pharmaceutical is Sudan's only "oil-for-food" export', News Article by Reuters on August 25, 1998 at 4:57 PM EDT.

The United States government eventually conceded that the al-Shifa factory had in fact been commercially producing medicines and drugs. Some days after the missile strike, State Department spokesman James Foley admitted, for example:

That facility may very well have been producing pharmaceuticals.<sup>39</sup>

*The Times* has also confirmed the Clinton Administration's belated acceptance of this fact:

Now they admit it made 60 percent of Sudan's medicine.<sup>40</sup>

On 31 August, it was reported that the Pentagon itself admitted that there had been an intelligence failure on the part of the United States government in not being aware of the commercial production of medicines and drugs:

Some of the intelligence people didn't know they would find any of that there.<sup>41</sup>

For the National Security Advisor to have publicly made such a mistake over what should have been the very easily verifiable issue of whether al-Shifa produced medicines or not is a key indicator as to the quality and accuracy of American intelligence on the factory. A simple call to the Sudanese chamber of commerce would have sufficed.

**Claim Number 4 That the al-Shifa factory was a high security facility guarded by the Sudanese military**

In a briefing on the al-Shifa factory soon after the strike on Khartoum, a senior American intelligence official told reporters in Washington that:

The facility also has a secured perimeter and it's patrolled by the Sudanese military.<sup>42</sup>

United States government claims that the factory was a heavily-guarded, military installation with restricted access, have been comprehensively contradicted by western journalists. *The Economist*, for example, reported that the al-Shifa factory was "open to the street", contrasting with other heavily guarded areas of Khartoum.<sup>43</sup>

The German ambassador to Sudan, Werner Daum, immediately challenged United States claims about the factory. In a communication to the German foreign ministry written within hours of the attack he stated that the factory had no disguise and there was nothing secret about the site, and reported: "One can't, even if one wants to, describe the Shifa firm as a chemical factory."<sup>44</sup>

Associated Press stated that:

There are no signs of secrecy at the plant. Two prominent signs along the road point to the factory, and foreigners have been allowed to visit the site at all hours.<sup>45</sup>

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<sup>39</sup> 'Sudan's rogue regime savours sudden public relations victory. Harsh critic a poster boy in counter-attack against U.S.', *The Toronto Star*, 29 August 1998.

<sup>40</sup> 'America reviews Sudan chemical evidence', *The Times*, 29 August 1998.

<sup>41</sup> 'Doubts Surround U.S. Explanation for Attacking Sudan Factory', *The New York Times*, 31 August 1998.

<sup>42</sup> 'CIA "has residue from Shifa plant"', *The Guardian*, 25 August 1998.

<sup>43</sup> *The Economist*, 29 August 1998.

<sup>44</sup> 'Sudanese plant "not built for weapons"', *The Observer*, 30 August 1998.

<sup>45</sup> 'Questions Remain, but Some Sudanese Claims on Factory Prove True', News Article by Associated Press on August 24, 1998 at 08:34:09.

Thomas Carnaffin, the British engineer who worked at the factory for several years up until April 1998, said that he had been “into every corner of the plant”:

It was never a plant of high security. You could walk around anywhere you liked, and no one tried to stop you.<sup>46</sup>

This was also confirmed by the British film-maker Irwin Armstrong who visited the factory in late 1997.

It is also worth noting that Alastair Hay, the Leeds University chemical pathologist, has said that if there was no restricted access at the plant, then Sudan seemed to have a good case.<sup>47</sup>

### **Claim Number 5 That there were weapons of mass destruction technology links between Sudan and Iraq**

Some four days after the attack on the al-Shifa factory, the United States government position and focus shifted once again. Unable to prove anything specific, the American government then fell back on to broader claims.

In a news article on 25 August 1998, entitled ‘U.S. Intelligence Cites Iraqi Tie to Sudan Plant’, for example, Associated Press reported that:

Intelligence officials are leaning toward the theory that Iraq was spreading its knowledge of chemical weapons production to other Muslim countries.<sup>48</sup>

On the same day, in an article entitled ‘Times: U.S. says Iraq aided Sudan on chemical weapons’, Reuters reported on American government claims of weapons of mass destruction technology transfer from Iraq to Sudan.<sup>49</sup> The United States government then claimed that the factory was attacked because of alleged links with Iraq. *The Guardian* reported, for example, that:

President Clinton’s decision to launch the strikes was at least partly influenced by reports that intelligence officers had intercepted phone calls between scientists at the factory and top officials in Iraq’s chemical weapons programme.<sup>50</sup>

This American claim can only be described as verging on the farcical. The American government wants the international community to believe that it launched an attack involving several Cruise missiles on a factory in part because telephone calls had been made between un-named people at that factory and Iraq.

Presumably had the people concerned actually involved in the incredibly dangerous and secretive process of attempting to transfer weapons of mass destruction technology, the last thing they would have used would have been telephone lines - knowing as they do, and as the rest of the world would assume - that every telephone call into and out of Iraq and Sudan is listened to by the electronic intelligence agencies of the United States government. Those said to be involved in weapons of mass destruction technology would presumably be especially cautious. In any instance, are the Americans suggesting that

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<sup>46</sup> ‘Possible Benign Use Is Seen for Chemical At Factory in Sudan’, *The New York Times*, 27 August, 1998.

<sup>47</sup> CIA “has residue from Shifa plant”, *The Guardian*, 25 August 1998.

<sup>48</sup> ‘U.S. Intelligence Cites Iraqi Tie to Sudan Plant’, News Article by Associated Press on August 25, 1998 at 20:23:36.

<sup>49</sup> ‘Times: U.S. says Iraq aided Sudan on chemical weapons’, News Article by Reuters on August 25, 1998 at 7:45 AM EDT.

<sup>50</sup> ‘Expert queries US labelling of Sudan chemical’, *The Guardian*, 28 August 1998.

weapons of mass destruction technology was actually being transferred in the course of any telephone calls?

Perhaps needless to say the American government has refused to name the Sudanese scientists who were said to be in telephone contact with people in Iraq, and has not released transcripts or tapes of the alleged conversations.

It is a matter of record, however, that in February 1998, the United States government itself denied that there was no evidence for chemical weapons or technology transfers from Iraq to Sudan, stating that

We have no credible evidence that Iraq has exported weapons of mass destruction technology to other countries since the (1991) Gulf War.<sup>51</sup>

In addition to the American government, in February and March 1998, the British government also stated that there was no evidence for any weapons of mass destruction technology transfers from Iraq to Sudan. This was the view of both the Foreign and Commonwealth Office and the Defence Intelligence staff of the British Ministry of Defence.

On 17 February, for example, the British Secretary of State for Foreign and Commonwealth Affairs, Mr Robin Cook MP, was asked about reports of weapons of mass destruction technology transfers from Iraq to Sudan. Mr Cook replied:

I am not aware of those reports. It would be a very difficult transfer to effect.<sup>52</sup>

On 10 March 1998, replying to allegations of chemical weapons technology transfers from Iraq to Sudan, Tony Lloyd MP, the Minister of State at the Foreign Office, clearly stated that:

The hon. Gentleman mentioned Sudanese chemical warfare capabilities....The Foreign and Commonwealth Office cannot validate those reports, and is not aware of any fresh or substantiated evidence on the matter.<sup>53</sup>

Lord Avebury laid down a written parliamentary question on this subject on 11 March 1998. Baroness Symons of Vernham Dean, the Parliamentary Under-Secretary of State for Foreign and Commonwealth affairs, replied:

We are concerned at recent reports alleging such transfers, although we have not seen evidence to substantiate them.<sup>54</sup>

On 19 March 1998, Baroness Symons stated in the House of Lords in relation to claims of weapons of mass destruction technology transfers, including chemical and biological weapons, from Iraq to Sudan, that:

We are monitoring the evidence closely, but to date we have no evidence to substantiate these claims.... Moreover, we know that some of the claims are untrue...The defence intelligence staff in the MoD (Ministry of Defence) have similarly written a critique which does not support the report's findings.<sup>55</sup>

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<sup>51</sup> 'White House Says No Sign Iraq Exported Arms', News Article by Reuters on February 17, 1998 at 10:20:45.

<sup>52</sup> House of Commons *Hansard*, 17 February 1998, column 903.

<sup>53</sup> House of Commons *Hansard*, 10th March 1998, col. 462.

<sup>54</sup> House of Lords *Official Report*, 11 March 1998, column WA 65/66.

<sup>55</sup> House of Lords *Official Report*, 19th March 1998, cols. 818-820.

Baroness Symons also stated that:

Nor has the United Nations Special Commission reported any evidence of such transfers since the Gulf War conflict and the imposition of sanctions in 1991.<sup>56</sup>

Perhaps the single most telling comment is that made after the American attack on the al-Shifa factory by Ewan Buchanan, spokesman for the United Nations Special Commission (UNSCOM), the body specifically charged with disarming Iraq of all nuclear, chemical, biological and ballistic missile systems. Commenting on allegations that Sudan was involved in chemical weapons production, and that there had been weapons of mass destruction weapons technology links between Iraq and Sudan, the UNSCOM spokesman said:

We have heard lots of claims like these and there are various reports about cooperation between Iraq and Sudan, but we have been unable to confirm it ourselves.<sup>57</sup>

It is a matter of record that the British government stated in March 1998 that UNSCOM had not seen any credible evidence of Sudan having chemical weapons or of weapons of mass destruction technology to Sudan from Iraq. And as can be seen above, as of August 1998, UNSCOM was still “unable to confirm” any such claims. That is to say that UNSCOM, a body in possession of all relevant intelligence, presumably from American and allied sources, about Iraq and Iraqi weapons of mass destruction technology, was unable to confirm American claims belatedly cited in justification for the strike on the al-Shifa factory. Even the broad American claim of weapons of mass destruction technology transfer from Iraq to Sudan is thus simply unsustainable.

## **THE AMERICAN CLAIM TO SELF-DEFENCE**

The United States government’s claim of “self-defence” to justify its missile attack on the al-Shifa factory was immediately challenged by legal and constitutional experts around the world. One such authority was Professor Chris Brown, of the University of Southampton in Britain, who stated that:

The self-defence provisions of the UN Charter are clearly designed to cover circumstances in which it is impossible or unfeasible to refer an act of aggression to the Security Council; for example, in 1990, the Kuwaiti government obviously did not need the permission of the UN to respond forcibly to the Iraqi invasion of their country. Article 51 could also be used to legitimate action if the Security Council is unwilling or unable to act, or in the face of an immediate threat, when delay could bring disaster. None of this applies to the bombing of a chemicals factory or a training camp. Not only was this an illegal act, it was politically stupid, drawing world attention away from the killing of so many innocents in Kenya and Tanzania.<sup>58</sup>

## **PREVIOUS AMERICAN INTELLIGENCE BLUNDERS**

American intelligence agencies, and particularly the CIA, have not had a good reputation as intelligence gatherers for some time now.

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<sup>56</sup> House of Lords *Official Report*, 19th March 1998, cols. 818-820.

<sup>57</sup> ‘Experts Hear Tales, but Evidence Scarce: Sharing Efforts in Weapons?’, ABCNews.com, 21 August, 1998.

<sup>58</sup> Letters to the Editor, *The Guardian*, 24 August 1998.

In May 1998, for example, India conducted a series of underground nuclear explosions. Melvin Goodman, the CIA's chief Soviet analyst during the 1970s, admitted that the CIA had learnt about the Indian tests from CNN.<sup>59</sup> The United States intelligence community was taken by surprise by the explosions, despite the fact that the party now in power in India had promised just such a course of action in its political manifesto during that country's general elections.

And then there is the Lockerbie affair. A Panam airliner was blown up over the Scottish village of Lockerbie in December 1988 with an appalling loss of life. American intelligence claims about Lockerbie were explored by Francis Wheen in *The Guardian*:

By the following spring, the Americans had "convincing evidence" that the culprits were a Palestinian group, the PFLP-GC, acting on behalf of Iran and with the assistance of Syria. "From an intelligence point of view this case is solved," said Vincent Cannistraro, the CIA's counter-intelligence chief. "There is a lot of evidence which puts this at the doorstep of the Iranian government." But then Saddam Hussein marched into Kuwait. Desperate not to antagonise Syria or Iran, the US announced that there was nothing to connect either of these countries - or the PFLP-GC - with the Lockerbie bomb. Instead... "convincing evidence" pinned it on the Libyans.<sup>60</sup>

*The Guardian* also mentioned that Mr Cannistraro was one of the terrorism experts commenting on Osama bin-Laden, chemical weapons and Sudan in the wake of the missile attack on Khartoum.

*The Economist* has also pointed out that American intelligence is "not infallible" and that "America's armed forces can make terrible mistakes", pointing to the American destruction of an Iranian airliner in 1988 by the USS Vincennes, an incident which resulted in the deaths of 290 passengers.<sup>61</sup>

On the subject of the United States and allegations of chemical warfare, the Leeds University chemical pathologist, Mr Hay, has also pointed out that "for years the US had insisted that the Soviet Union and North Vietnam had used 'yellow rain' chemicals during the Vietnam war, only to discover that the product contained pollen from indigenous trees and the 'rain' was bee excrement".<sup>62</sup>

## **Conclusion**

It must be noted that the intelligence officials involved in the above-mentioned official briefings, would presumably be amongst the best available. They would also be presenting the latest intelligence material the United States government had to hand to justify its Cruise missile attack on Sudan - information which would have been gathered by the intelligence agencies of the most powerful country on Earth, intelligence agencies which have budgets running into billions of dollars. And unlike intelligence gathering in other countries such as Libya, Iraq or Iran, which is very difficult given the closed nature of those countries, Sudan is, in the words of *The Guardian*, "one of the most open and relaxed Arab countries".<sup>63</sup>

It is staggering, therefore, to see the demonstrably inaccurate claims that have clearly been made on the basis of almost unbelievably poor intelligence. The German ambassador in Sudan has flatly contradicted the American allegations about the al-Shifa

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<sup>59</sup> 'What the CIA didn't know', BBC News Online World, Tuesday, August 25, 1998 at 10:39 GMT 11:39 UK.

<sup>60</sup> 'Mr X marks the spot', *The Guardian*, 26 August 1998.

<sup>61</sup> *The Economist*, 29 August 1998.

<sup>62</sup> 'Show evidence for Sudan raid, MP demands', *The Guardian*, 25 August 1998.

<sup>63</sup> *The Guardian*, 'Western envoys in Sudan faced with divided loyalties', 27 August 1998.

plant. The Clinton Administration's "irrefutable" evidence has been torn apart by scientists and chemical weapons experts from around the world.

Other American claims have also gradually fallen apart. The claim that the al-Shifa plant did not produce any medicines or drugs is a prime example. It is very hard to see how American intelligence agencies were unaware of the fact that the al-Shifa pharmaceutical factory produced 60 percent of Sudan's medicines and drugs. This is particularly puzzling given the fact that al-Shifa exported its medicines and drugs, and held a United Nations-supervised contract to supply Iraq with animal drugs.

The American government has claimed Iraqi chemical weapons links to Sudan, and that the soil sample, which they claim to be the "smoking gun" evidence of the production of precursors to the VX nerve gas agent, was obtained several months ago. They have not been able to explain whether this was before or after the White House's 17 February 1998 statement that there was "no credible evidence" of any Iraqi involvement.

The American government has also not been able to explain why their claims have not been supported by the United Nations Special Commission, surely the most authoritative source of intelligence on such matters?

There is also the crucial question of why, if the United States and Britain believe their own claims that Osama bin-Laden is actively seeking a chemical weapons capability, for possible use against the United States and Britain, and if both governments believe their additional claims that the al-Shifa factory was a facility engaged in the production of chemical weapons as part of the Osama bin-Laden infrastructure, do they not jump at the chance to send a verification team to go over the al-Shifa factory with a fine-tooth comb?

Is it not the case that in February 1998, the United States and Britain were poised on the brink of war with Iraq over Iraq's refusal to cooperate with United Nations weapons inspectors who wished to examine precisely the sort of facility American intelligence claims the al-Shifa plant to be? Why are the United States and Britain holding back from investigating precisely the sort of installation which they were prepared to go to war over six months ago?

Until some of above questions are answered it is a simple fact that, in the words of *The Observer* newspaper, the American explanations are moving to "less and less credible positions".