Ending Impunity for Profiteers and Enablers of Genocide and Crimes Against Humanity

Gavriel Mairone
MM~Law LLC
“I said I cannot let your village stay because I will attack it with chemical weapons. Then you and your family will die. You must leave right now. Because I cannot tell you the same day that I am going to attack with chemical weapons. I will kill them all with chemical weapons! Who is going to say anything? The international community? Fuck them!

This is my intention, and I want you to take serious note of it. As soon as we complete the deportations, we will start attacking them everywhere according to a systematic military plan.

Even their strongholds...then we will surround them in a small pocket and attack them with chemical weapons. I will not attack them with chemicals just one day, but I will continue to attack them with chemicals for fifteen days... I told the expert comrades that I need guerrilla groups in Europe to kill whoever they see from them.”

recording of Ali Hassan al Majid al Takriti; Exhibit HL-15
Starting in August, 1981 or 1982, the Baathist government of Iraq, under Saddam Hussein, commenced deploying chemical weapons (“CW”) against Iranian forces. In 1987-88, Iraq launched a series of attacks against the Kurdish population of Iraq, which would kill as many as 180,000 civilians, destroy approximately 4000 villages, and depopulate areas of Kurdistan. This campaign commenced with CW attacks on Kurd villages in the Balisan valley, and continued in a highly-organized, genocidal campaign called Anfal, until late 1988. While most of the murders were committed with conventional weapons, it is estimated that devastating CW attacks were perpetrated against the Kurds (estimates of the number of CW attacks range from attacks on 200 to 2000 villages), killing tens of thousands of people and animals and then physically destroying the entire towns.
According to CIA estimates, Iraq deployed over 100,000 chemical weapons during this period against Iranian military and civilians, Kurds, Shia and others.
Action Memo to Lawrence Eagleburger  
21 November 1981

“We have recently received additional information confirming Iraq’s use of chemical weapons (CW). We also know that Iraq has acquired a CW production capability primarily from Western firms... whether we should raise with selected European governments the fact that national firms are selling to Iraq CW production related technology.”
“In particular there is the question of Germany. We have discussed with German authorities reports that facilities capable of producing nerve gas may have been shipped to Iraq by a German company.”
The massive Iraqi CW program reached production levels of 6 tons of mustard gas and 8 tons of sarin and tabun per month; the largest CW factories in the world during the Cold War!

While over 400 Western companies had some role in building the CW plants and supplying the raw materials for the gases, West German companies played the major role; over the loud and persistent protest of the US government

(Over 1000 written communications were sent by the US administration between 1984 and 1989 to various leaders of West Germany in an unsuccessful attempt to convince the West German government to stop the flow of CW to Iraq).
**Results of Western Companies’ Massive Sales:**
*Iraq produced over 3,857 tons of CW agents between 1981-1991*

**Iraqi Annual Chemical Weapon Production (metric tons)**

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<td>5</td>
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<td>Tabun</td>
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<td>60</td>
<td>70</td>
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<td>VX</td>
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Western Companies’ Massive Sales of CW Critical Precursors
10,640 Tons Sold from 1982-1987

Critical CW Precursors Delivered to Iraq (metric tons)

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<td>1000</td>
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Quantities of CW agents Weaponized by Iraq (metric tons)

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<tr>
<td>Artillery Munitions</td>
<td>10</td>
<td>27</td>
<td>61</td>
<td>32</td>
<td>243</td>
<td>110</td>
<td>123</td>
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<tr>
<td>Aerial Bombs</td>
<td>53</td>
<td>220</td>
<td>284</td>
<td>292</td>
<td>931</td>
<td>807</td>
<td>126</td>
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IRAQ’S FULL, FINAL AND COMPLETE DISCLOSURE (“FFCD”) REGARDING CHEMICAL WEAPONS

TO

THE UNITED NATIONS SPECIAL COMMISSION (“UNSCOM”)  

(pursuant to U.N. Security Counsel Resolution 687, dated 3 April 1991)
The companies that knowingly or intentionally sold the chemical and poison gases, and/or built the chemical weapons factories and/or transferred the CW technologies to the Saddam regime.
Designed and constructed al Mutasim 1 CW plant (“M1”) for production of key precursors for tabun and sarin. It became operational in 1983. The following nerve gas agents were produced at M1:

D4 (dimethylphosphoroamidic-dichloride) from July 1983 until September 1985. D4 is one of the key precursors used for tabun production.

DMMP (dimethyl methylphosphonate) from the end of 1985 until the second half of 1987. DMMP is used to for production of the precursor MPC.

MPC (methylphosphonyldichloride) from the first half of 1985 until second half of 1987. MPC is key precursor used for sarin, cyclosarin and VX production.

Formulation of NP-catalyst used for production of MPC.

Designed and constructed al Mutasim 2 CW plant (“M2”) for production of key precursors for tabun and sarin. It became operational in 1983. The following nerve gas agents were produced at M2:


DMMP: end of 1985 till second half of 1987


Formulation of NP.
Designer and executing party of al Mutasim 3 CW plant in 1983. It became operational in 1985. It produced sarin precursors DMMP and MPF at a capacity of up to 500 kg per day from 1985 to 1987. The following nerve gas agents were produced at M3:


MPF (methylphosphonyldifluoride), a precursor used for sarin production. During 1987 and the first half of 1988.

PSA: (para toluene sulphonic acid) which was used in process of production of MPF (NaF salt process) in 1985 outdoor.


GF (Cyclosarin): A few batches of GF were produced during 1988.

GF-GB: A mixture of sarin (GB) and cyclosarin (GF) was produced during 1988 and stopped till second quarter of 1990 when production started again.

Designer and executer of Dhiaa plant in 1983 to increase the production of sarin and its precursors. Later the plant was modified to produce VX and its precursors. Its name was changed to Bin Hayan 3 in 1987. At least three batches of MPS and three batches of VX in 1988 were produced.
Designer and executing party of Muhammad CW plant in 1982. Multipurpose production plant for the production of D4, MPC, MPF and sarin and tabun. Its name was changed to Al Mutasim 3 in 1987. The following nerve gas agents were produced at Muhammad:

- **D4**: 3rd quarter of 1985 until 3rd quarter of 1986.
- **MPC**: during the second half of 1987 until the 2nd half of 1988 when the production stopped.

Designer and executing party of Malik plant in 1982. The plant was designated as a multipurpose plant and modified as production of precursors for sarin and tabun. Tabun was produced at the Malik plant in 1986. Its name was changed to Bin Hayan 2 at 1987. The following nerve gas agents were produced at Malik:

- **DMMP**: second half of 1987 and first half of 1988.
- **MPC**: 1986 and first half of 1987.
- **Tabun**: end of 1986 to beginning of 1987.
- **Choline**: end of 1987 until beginning of 1989. Choline is a key precursor for the production of VX.
- **MPS**: distillation of MPS at the end of 1987 and beginning of 1988. MPS is a VX precursor.
- **VX**: concentration (word used in the FFCD) of VX at the beginning of 1988.
Designed and built an “inhalation chamber” with 3m³ capacity, which was installed at al Mutasim 4 CW plant in 1985. It was large enough to accommodate a human. The chamber held cages which were inserted for animal experiments. Originally the poison gas cocktails were tested on beagles and other animals. There are indications that at some point the gas tests may have been used on Iranian POWs.
Company G-2

Technological work designer of Dhiaa plant. Dhiaa plant was installed in order to increase the production of sarin and its precursors. Later the plant was modified to produce VX and its precursors.

Built six chemical factories in Iraq, including Samarra, designated for production of precursors for sarin and tabun.

Technological work designer, executer and imported and installed equipment of al Mutasim 1 and 2 CW plants.

Technological work designer and executer of Muhammad plant; the Malik plant and the Dhiaa CW plant.

Technological work designer & executor of Ahmed 1 and 2 CW plants (production of sarin and tabun precursors).

Supplied 1M3 HC reactors, various heat exchangers and various condensers.

Supplied glass lined columns.

Supplied 1.6M3 glass lined reactors, and 2M3 glass lined reactors.

Supplied 25M2 G.

Supplied glass lined columns.

Supplied Tefzel Vessels.
The CW plants built by G-1 and G-2 were constructed in the desert far from sources of labor, on military installations surrounded by troops and surface-to-air anti-aircraft missile batteries. The plants and storage units themselves were built underground, and hardened against possible attack. For these reasons, it is entirely unreasonable that these companies and their most senior managers could have ever believed that they were building “normal, commercial, pesticide factories for agricultural use.”
3 identical CW plants, G1, G2, and G3 were designed and constructed by G-1 and the equipment was supplied and installed by G-2. In 1983, the plants were used for the development and optimization of the technology for the production of the precursors D4, DMMP and MPC. After 1984 they were used to produce those precursors. The G3 CW plant became operational in 1985. It produced sarin precursors DMMP and MPF at a capacity of up to 500 kg per day from 1985 to 1987. In 1988 and in 1990, G3 produced MPF, sarin and cyclosarin. A fourth structure, identical by design, was built together with the CW plants but no production equipment was installed in it. An “inhalation chamber” was placed there instead.

4 “dummy plants” accompanied those 4 “real” plants. Each pilot plant was a bunker type structure, partially underground. The aboveground part was covered with earth. An airlock system was installed at the main entrance of the building. The ventilation system replaced the air in the building 10 to 25 times per hour.
The 8 storage bunkers (and 6 “dummy bunkers”) at SEPP/MSE were semi-underground structures covered with a protective layer of sandy clay. The main storage room, sunken 5 meters below the ground level, was approximately 60m x 18m x 10m. A 7-tonne crane was mounted on the rails below the roof. The walls and roof were constructed with one-meter thick reinforced concrete. The roof slab was covered with a three-meter layer of sandy clay.
Company G-3

Supplied:

100 tons of NaCN (sodium cyanide), a precursor for cyanide gas.

30 tons of POC13 (phosphorous oxychloride), a precursor for tabun.
Company G-4

Company G-4 sold 170 tons of precursors for production of sarin and 68 tons of precursors for production of nerve gas.

Details of sales:

1984-106.8 tons of Naf
1984-0.268 ton of KI
1984-32 PC13
1985-2 ton of CH3I chemical
1985-10 ton Isopropyl amine
1986-3 ton of KI
1986-58 ton of Dichloro Methane
1986-1987-Designer and executer of Thionyl Chloride plant Fallujah 2.
1987-1988-Designer and technological work designer and supplier of A+b plant starting. These plants apparently were designated to be used as a production site for PCl3 and POCl3.
In addition to the above companies, 15 other western companies (2 French; 4 other German companies; 1 Indian; 2 Dutch; 2 Spanish; 2 Swiss; 1 Japanese and 1 American) made material contributions to the development of the CW facilities and production of CW.

Approximately 54,815.98 tons of chemical weapon precursors and other dangerous chemicals were sold to the Saddam regime by these companies between 1981 and 1991, including the following:

- 134.5 tons of NaF
- 178 tons of KHF2
- 45 tons of TMP
- 276.98 tons of POC13
- 2 tons of CH3I
- 3 ton of K1
- 58 tons Dichloromethane
- 60 tons of DMH HC1
- 136 tons of NaCN
- 50 tons of Benzaldehe chemical
- 192 tons of Chloroethanol
- 150 tons of IP
- 1766 tons of TDG
- 50 tons of Di-isopropyl amine
- 7 tons of Zn powder chemical
- 10 tons of Acetic acid
- 3 tons of Piprony butoxide
- 0.5 ton Peramethtrine
- 20 tons of Zinc powder
- 50 tons of O.Chloro Benzaldehyed
- 1850 tons of SOCl2
- 300 tons of PC13
- 1 ton of Cyclohexanol
- 300 ton of D.M.A.HCL
- 250 tons of p2S5
- 5 tons of HF
- 39 tons of Ethylene Oxide

Some of these companies also supplied other materials including 14,929 500-pound aerial bombs fitted for CW and 18,000 250-pound aerial bombs fitted for CW; as well as rotating reactors for mustard agent production and glass-lined reactors.
Richard Perle, assistant Secretary of Defense, was asked how often the United States had protested to the West German government:

“so often that he lost count. We demarched them, we demarched them, we demarched them...If I could be so rude as to suggest, Senator Glenn, I do not think this is idiosyncratic or quirky. I think this is a deliberate German policy to erect barriers to export controls.”
The only thing necessary for the triumph of evil is that good men do nothing.
Edmund Burke

Bad men need nothing more to compass their ends, than that good men should look on and do nothing.
John Stuart Mill
MM~LAW has spent over three years researching and assembling over 10,000 documents and we are ready to file lawsuits immediately. Our 3400 plus clients want to open their hearts first, and offer all those who knowingly profited from the pain and destruction inflicted upon my clients, a once-in-a-lifetime opportunity to do what is right and replace the stain of complicity in this crime against humanity with a deed of justice and humanitarian compassion – an apology and a solemn commitment to never do this again.
The victims, with the support of NGOs, hereby invite to a Truth and Reparations Conference, on October 1st-3rd in The Hague, all of the companies, governments and individuals that knowingly or intentionally enabled, supplied, financed and profited from arming the Saddam regime with chemical weapons which were used to kill and maim my clients and the other victims; enabling the Saddam regime to commit genocide, crimes against humanity and war crimes.

Global Justice Group  
Empowering victims to hold accountable the supporters of terrorism and genocide  
Chicago United States

Halabja Chemical Victims Society  
Halabja-Sulaymaniyah, Kurdish Region, Iraq

European Center for Constitutional and Human Rights e.V.  
Berlin Germany

Simon Wiesenthal Center  
United States-Europe
TRUTH and REPARATIONS CONFERENCE

The Hague