

# Britain: Hutton Inquiry hears damning evidence against government

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A surreal atmosphere has surrounded the first week of Lord Hutton's judicial inquiry into the death of Dr. David Kelly, the government scientist found dead just days after he was "outed" as the source of reports that the government had manipulated intelligence material to justify its plans for war against Iraq.

The grotesque contradiction between the evidence submitted to the inquiry and the way in which it is being presented by the government and media--seizing upon the denunciation by BBC reporter Susan Watts of her employer and others--is aimed at burying the extremely damaging revelations that have emerged.

Opening testimonies from journalist Andrew Gilligan and other sources, including material submitted by Watts herself, has clearly shown that there was widespread unease within the intelligence services at the government's fraudulent presentation of its material in the run up to war.

The rush by much of the media to denounce the BBC and vindicate Blair underscores the highly political character of the inquiry, which is itself the product of a raging conflict within Britain's ruling elite and its state apparatus.

It confirms that ultimately the tribunal's findings will have far more to do with finding a temporary resolution to this conflict, than with the actual evidence presented. The question for the ruling elite is to what extent their efforts at damage control are going to include organising a cover-up for the Blair government itself.

Above all, the media's distorted coverage of the inquiry is aimed at obscuring why such an investigation was made necessary in the first place: namely that the government was caught out in a series of monstrous lies in order to justify its pre-emptive, illegal attack on Iraq in defiance of widespread public opposition. And in its efforts to cover this over, it instituted a frenzied witch-hunt that was to lead to Kelly's death in, as yet unaccounted for circumstances.

## The evidence so far

The first days of evidence exploded government claims that Kelly was simply a "middle ranking official", and even a "Walter Mitty" type fantasist, as claimed by Prime Minister Tony Blair's press officer just one day before the scientist's funeral.

Testimony from leading members of the Ministry of Defence and intelligence services showed that Kelly was internationally renowned as the UK's foremost expert on Saddam Hussein's biological and chemical weapons, and as such, was involved in regular meetings with MI6, the Defence Intelligence Service (DIS), the CIA as well as Britain's Ministry of Defence (MoD) and the Foreign Office.

Described as a "human archive" on Iraq's biological weapons capabilities, Kelly's experience dated back to the aftermath of the first Gulf war in 1991, when, under United Nations resolution 687, he became a chief weapons inspector.

"Remarkably successful" in his interrogations of Iraqi scientists as to the country's weapons capabilities, Kelly was awarded the Cross of St Michael and St George for his services, which were deemed of

"international significance", the inquiry heard.

In the same year, 1996, Kelly became part of Operation TELEC, described by Richard Hatfield, Personnel Director MoD, as an umbrella name for "the entire work that the British MoD was doing in support of what ultimately became the invasion of Iraq."

The tribunal was told Kelly had the "highest" security clearance and was valued for his ability in dealing with the media. An "accomplished media performer", Kelly's briefings had "led to no embarrassments for HMG [Her Majesty's Government]", one document said.

The inquiry heard that Kelly had first become involved with work on a dossier on Iraq's weapons capabilities in February 2002, working closely with the Foreign Office as well as a number of other departments. According to various accounts, Kelly had contributed to the historical section of the dossier, detailing the background to Iraq's weapons capabilities, a chapter on life under Saddam and a box on Iraq's biological weapons programme. He also reviewed the final draft.

The dossier became central to the Blair government's justification for joining the US in a pre-emptive attack on Iraq in defiance of international law. As the war preparations reached their final stages, the Blair government set about constructing a pretext for invasion, i.e. that Saddam Hussein represented an "immediate threat" to national security.

Evidence presented to the inquiry showed that the dossier was indeed "transformed" towards this end, as BBC reporter Andrew Gilligan, using Kelly as his source, had first claimed on May 29.

Following Blair's announcement on September 3, 2002 that his government would release a document detailing Iraq's Weapons of Mass Destruction, the dossier was "hardened up". Over the next weeks, material was incorporated into the dossier, including the claim that Iraq could deploy chemical and biological weapons "within 45 minutes".

At the tribunal Martin Howard, deputy chief of defence intelligence, admitted that senior defence and intelligence officials had protested at the inclusion of this claim, as well as several other assertions, in the dossier's final draft.

Two officials objected in writing to the prominence given to the 45-minute claim in the prime minister's foreword and the executive summary of the dossier, despite the "level of uncertainty" surrounding its accuracy. The allegation had first been made on August 30, by a single, uncorroborated source (an Iraqi general).

They also objected to the "strength of language" used in the dossier, referring specifically to the claim that intelligence "shows" Hussein attached great importance to possessing chemical and biological weapons, when they judged it should have said only that it "indicated" this.

A letter from one now retired DIS member complained, "As probably the most senior and experienced intelligence official working on WMD, I was so concerned about the manner in which intelligence assessments for which I had some responsibility were being presented in the dossier of 24 September 2002 that I was moved to write formally to Tony Cragg [Howard's predecessor] recording and expressing my reservations".

Another document showed that Kelly had also raised objections. A September 10 email from a member of the DIS who had consulted Kelly over an assertion that UN weapons inspectors had been unable to account for 20 tonnes of biological growth agents, wrote that Kelly had told him that, while the existing wording was not wrong, "lost [sic] of spin had been put on it".

In his evidence, Julian Miller, Chief of the Assessment Staff in the Cabinet Office, said that Kelly was also likely to have been a contributor to a September 19 letter from DIS officers that had raised several issues over the revised draft.

Despite this significant level of dissent, the Joint Intelligence Committee (JIC) cleared the dossier for publication just five days later, on September 24. The "45-minute claim" became the *casus belli* for an illegal war.

#### **The journalist's testimony**

In his evidence, MoD Personnel Director Hatfield insisted that, whilst Kelly had been cleared to brief the press on "technical issues", he was not authorised to comment on "politically controversial issues" and certainly not the September dossier. For him to do so would constitute a "basic breach of confidence as to how he is supposed to behave towards his employer and the government, since he works for the government", Hatfield said.

Given that the government was misrepresenting technical issues to suit its political ends, however, Kelly clearly felt justified in speaking out. And speak he did.

At the tribunal, Gilligan defended his May 29 report on Radio 4's *Today* programme that a senior source had told him that the September dossier had been "sexed up" on the orders of Blair's Director of Communications, Alastair Campbell. The allegations had led to the convening of two parliamentary inquiries, by the Foreign Affairs Committee (FAC) and the Intelligence and Security Committee (ISC), both of which whitewashed the government.

Reading from a transcript of notes he had made on his personal organiser during his May 22 meeting with Kelly, Gilligan said the scientist told him that the dossier was "transformed [a] week before publication to make it sexier. The classic was the 45 minut[e]s. Most things in dossier were double source but that was single source. One source said it took 45 minutes to set up a missile assembly, that was misinterpreted. Most people in intelligence weren't happy with it because it didn't reflect the considered view they were putting forward."

The dossier was transformed to make it more exciting, the scientist had said. "To make it sexier?" Gilligan asked. "Yes to make it sexier", Kelly replied. Asked how this transformation had occurred, Kelly replied "Campbell".

(Evidence given earlier in the inquiry had confirmed that the 45-minute claim had first appeared in an assessment discussed by the JIC at its meeting on September 9. Campbell had chaired that meeting, a practise condemned by the FAC in its findings.)

The information was "unreliable", Kelly had said, "and it was in the dossier against our wishes". Iraq's weapons programme was "small", the scientist told him. "The sanctions were effective. They did limit the programme. No usable weapons", Kelly had continued. "He [Saddam] could not have killed very many people even if everything had gone right for him. Not really mass destruction in true meaning of the word".

In the face of aggressive and hostile questioning from James Dingemans QC for the inquiry, Gilligan admitted that his use of language in one report "wasn't perfect". In his first, unscripted report for BBC's *Today* programme, broadcast at 6 am on May 29, he had suggested that the government knew the 45-minute claim was wrong but had included it in the dossier regardless. But given the standing of his source, and the fact that a subsequent dossier released by the government, on February 2003, had been proved to be heavily plagiarised from a PhD thesis, Gilligan defended his decision to run his story.

Gilligan's account of his discussions with Kelly was corroborated by evidence presented by Susan Watts, despite her efforts during the tribunal to disassociate herself from her colleague.

Watts also ran a story on differences within the intelligence services over the dossier, using Kelly as her source, for BBC's *Newsnight*. At the inquiry, however, she claimed there were "significant differences" between her report and Gilligan's. She insisted that Kelly had not said Campbell was responsible for "transforming" the dossier, and launched a bitter attack on the BBC, accusing it of trying to "mould" her evidence to suit its defence to the inquiry.

Her remarks were broadly trailed in the media, with many claiming that Watts had vindicated the government. But her notes of discussions with Kelly on three occasions during May, including a tape recording of her final conversation with the scientist, flatly contradicted her statement to the inquiry.

Notes of one conversation on May 7 regarding the 45-minute claim revealed that Kelly had said, "It was a mistake to put in. Alastair Campbell seeing something in there. Single source but not corroborated. Sounded good." Watts said she took the remarks as a "gossipy aside" and had not included them in her report. Only when it was confirmed later that the 45-minute claim was single sourced did she realise the significance of his remarks. "In hindsight, he [Kelly] was passing that information to me three weeks before it became public," she said, and she had "missed a trick".

Watt's recording of her telephone conversation with Kelly on May 30, which was played to the court, was even more controversial than Gilligan's original report.

The court heard Kelly saying of the 45-minute claim and the government's attitude to it, "I knew there was concern about the statement ... it just got out of all proportion ... they were desperate for information, they were pushing hard for information which could be released--that was one that popped up and was seized on.

"It was unfortunate that it was, which is why there is the argument between the intelligence services and cabinet office/number ten, because things were picked up on, and once they've picked up on it you can't pull it back, that's the problem."

He complained that future inspections in Iraq had been made difficult "because of the animosity between the UN and the US, both as institutions, and between people who are involved. There's tremendous, in Unscm possibly Unmovic--there's tremendous anti-US feeling".

"There were lots of people" saying the 45-minute claim should not be put in, Kelly said. The issue was not Iraq's current capabilities but what it may acquire in the future. That was not made the issue in the dossier, however, "because that takes away the case for war".

Asked if he believed Campbell was responsible, the scientist replied that he could not say that. "All I can say is the Number 10 press office. I've never met Alastair Campbell so I can't (inaudible). But I think Alastair Campbell is synonymous with that press office because he's responsible for it."

In his evidence, Gavin Hewitt, BBC News special correspondent, said he had also spoken to Kelly on May 29. Reading from his notes of their conversation, he said the scientist had told him that that "spin did come into play" in the drawing up of the dossier, and that the final week before its publication had been "very frenetic" and that the dossier had changed substantially.

#### **Government hounded Kelly**

On Thursday August 15, the inquiry heard damning evidence of how the government had intervened directly to "out" the scientist and then hound him.

Dr Bryan Wells, Kelly's line manager at the MoD, revealed that Kelly was already under investigation as being the possible source of other leaks on Iraq, including a report in the *Observer* on June 15. A separate police

inquiry was also underway into whether the scientist was responsible for a report by Gilligan in February, undermining government claims of a link between Iraq and Al Qaeda, that had been based on a top secret document.

As the two parliamentary inquiries by the FAC and ISC got underway, the pressure built. On July 1, Kelly admitted to contacts with Gilligan in a letter to Wells, but insisted he could not be the main source for the *Today* report. In it Kelly stressed he was “sympathetic” to the war with Iraq and had “never attempted to undermine government policy in any way”.

At a July 4 meeting between the scientist, Wells and Hatfield, Kelly was told no further action would be taken but that any further breaches would result in disciplinary action.

But as soon as Kelly’s identity became known, his fate was to be determined at the highest echelons of the state.

Evidence to the tribunal showed that Blair intervened to call for Kelly to be questioned again. A memo from the permanent secretary in the Cabinet Office, Sir David Omand, showed that the prime minister had insisted that “before we decide on what next step should be taken, it would be sensible to try and go into a bit more detail into the differences between what Dr Kelly said and what Mr Gilligan had claimed.”

Kelly was recalled for a further meeting on July 7. That day John Scarlett, JIC chair, sent a memo to Sir David Omand stating, “Kelly needs a proper, security-style interview in which all these inconsistencies are thrashed out.” (It should be noted that an email submitted by the BBC to the inquiry revealed that Scarlett himself had doubts over the September dossier. According to a briefing note by Nik Gowing, BBC World, who met with Scarlett during a conference in January, the JIC chair “was clearly troubled about the issue of credibility of intelligence relating to Iraq”).

Also on July 7, Kelly was told his planned trip to Iraq would be postponed.

On July 8 a MoD press statement was released saying that an official had come forward to admit meeting with Gilligan. In the next days, the government “outed” the scientist’s name. In an unprecedented decision it was decided that Kelly would have to appear publicly before the FAC, which was televised, as well before the ISC, which meets in private.

According to a July 10 memo revealed to the inquiry, MoD permanent secretary Kevin Tebbit had objected to Kelly’s appearance before the FAC, telling Defence Minister Geoff Hoon to have “some regard for the man himself. The man came forward voluntarily, is not used to being thrust into the public eye, and is not on trial.” But Hoon overruled the objection, citing “presentational issues” and the need to undermine Gilligan’s claims before the FAC.

Kelly was summoned to appear before both committees on July 15, and attended a coaching session at the MoD on his testimony beforehand, which suggested he should steer clear of presenting his personal views on the dossier.

Just before his appearance at the FAC, Kelly was handed another letter which concluded to the effect, “that if he was holding back on any contact (with Mr Gilligan), he might be in greater trouble”, the inquiry heard.

A confidential memo from the MoD revealed “Kelly is apparently feeling the pressure and does not appear to be handling it well.” On July 16 the scientist gave evidence to the ISC. Later he was informed that he would be contacted on July 18 to provide further details of his discussions with journalists. On July 17 he told his wife he was going for a walk. His body was found the next day.

*See Also:*

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