

Britain's Hutton Inquiry: Still no account of how Dr. Kelly died

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When top diplomat David Boucher gave evidence before the Hutton Inquiry into the death of whistleblower Dr David Kelly, one aspect of his testimony was described by the media as a “chilling prediction” by Kelly of his own death.

Apparently on February 27 in Geneva, Kelly had told Boucher that he had assured senior Iraqi officials that if they cooperated with United Nations weapons inspections they would have nothing to fear.

He explained, “The implication was that if the invasion went ahead, that would make him a liar and he would have betrayed his contacts, some of whom might be killed as a direct result of his actions.”

“I asked him what would happen then. He replied, in a throwaway line, he would probably be found dead in the woods.”

Kelly was found dead in the woods near his home on July 18, a day after he had supposedly slashed his left wrist. Boucher said he had thought Dr Kelly was talking about possible Iraqi vengeance, but “I now see that he may have been thinking on rather different lines.”

Boucher's inference, with the benefit of hindsight, is that Kelly felt strongly that he had been left in a “morally ambiguous” position and that this could explain why he committed suicide.

This testimony was seized on by the media. Here was a more plausible explanation for Kelly's suicide than that previously offered—that Kelly had simply been unable to take the pressure of being publicly named as the source for the BBC journalist Andrew Gilligan's report of disquiet within the security services over the government having “sexed-up” intelligence in order to justify its plans for war against Iraq.

For this to be plausible required that Kelly be portrayed as an innocent scientist and civil servant who was overwhelmed by being caught in the cogs of power-politics. But this hardly fitted in with more accurate descriptions of Kelly as a hard man at the top of his profession—first in developing chemical and biological weaponry at Porton Down, then debriefing Soviet defectors with his close contact in the security services, then as Britain's top steely-eyed weapons inspector in Iraq and then as the man entrusted by the government to draft substantial sections of its September 2002 intelligence dossier and with whom Defence Secretary Geoff Hoon had consulted immediately prior to going to war against Iraq.

Now, however, one could fall back on the depiction of Kelly as a “man of honour” who could not reconcile his promises to Iraqi contacts with the position he had been placed in by the decision to go to war.

The most fulsome example of this was an op-ed piece by the *Guardian's* Peter Beaumont that extrapolated from Boucher's own interpretation. He wrote, “Last week a seismic shift occurred. In a single piece of evidence, delivered by diplomat David Boucher, some

light was finally cast on the weapons expert's motivation... Kelly's behaviour—and his death—has its real centre of gravity beyond bullying and threats and the snide comments: that at the very bottom of it all lies the conflict between one man's commitment to his own idea of integrity and truth, and the moral equivocations of power exercised by politicians during war: that Kelly may have died some kind of Samurai death because of his sense of honour.”

And finally, “Kelly's conversation with Boucher in February has been one of the most devastating pieces of evidence to emerge so far, delivered not by a journalist or one of Kelly's civil service masters, but by one of his colleagues in the world of arms control and a diplomat apparently taking no side in the argument.”

A Samurai death is a dramatic phrase indeed, but the entire approach is superficial rather than penetrating.

Boucher's comments should not be taken at face value. The senior diplomat had apparently sent an email to Patrick Lamb, his superior at the Foreign Office, on August 5, recalling his previously forgotten chance conversation with Kelly. He explains the long delay by saying he had been “straining to recover [the recollection] from a very deep memory hole.” Even assuming that Boucher's recollections are accurate, however, anything he had to say about the significance of Kelly's statement is simply his opinion based on his apparent belief that the scientist committed suicide.

And it is precisely this that has yet to be established.

Kelly's reported comments are open to a number of alternative interpretations which raise the possibility that he feared death at another's hands rather than his own.

At the time Boucher assumed that Kelly was hinting at the possibility of Iraqi retaliation for having misled his contacts. This is certainly a possibility. Kelly had operated at the very highest level in Iraq and must have met with some very unsavoury characters. He could have joked about their possible reaction or have seriously considered it as a possibility. It is hard to say. But one cannot do what Boucher and the media have done and simply conclude that he must have been revealing his own inner turmoil because he is supposed to have cut his own wrist.

This leaves a number of important facts to one side. In the event no Iraqi scientist or other contact of Kelly's was found dead, so this would not have troubled him unduly. Indeed in one of the last emails he sent on the morning of his death, he had emphasised how he was looking forward to resuming his work in Iraq.

It could also be that Kelly feared retaliation from another source entirely. After all it appeared that Kelly did not favour war with Iraq and was busy doing deals with contacts based on the assumption that war would not take place. Then, when war began to look more likely

he was recruited by the government to help draw up a dossier exaggerating the threat from Iraq. As one of a number of key personnel within the security services who were worried about this turn—and Kelly was of their number even if he was officially employed by the MoD—he had gone so far as to brief against the government to the BBC's Andrew Gilligan and a number of other journalists. So why would Kelly not fear possible retaliation from within the security services, given his adopting a stance that was against current government thinking and the express desires of Washington?

In any event, it is extraordinary that Broucher can report Kelly's premonition of his own death and this prompts no further questioning. Kelly did, after all, suffer the most high profile death in recent years and one that has become the subject of a judicial inquiry that could determine the fate of the Blair government.

The Hutton Inquiry, though ostensibly set up to investigate Kelly's death, has done no such thing. It has discussed the events leading up to Kelly being found dead, but not how he died.

Yet on August 14 the Coroners Inquest into Kelly's death, which had met for just a few hours on July 19, was closed down after the most superficial investigation imaginable. It consisted almost exclusively of hearing evidence from an amended medical report by Home Office pathologist Dr Nicholas Hunt.

This is all that is known of Kelly's death from that inquest:

Oxfordshire coroner Nicholas Gardiner said that the report showed the main cause of death was the number of incisions into Kelly's left wrist.

Hunt had concluded the main cause of death was haemorrhage and there were two wounds which would have been fatal. The secondary cause of death was ingestion of the prescription painkiller Co-Proxamol, though toxicology reports showed the amount present in Kelly's blood would not alone have been enough to kill him.

Gardiner said that the four cardio-electrode pads found on Kelly's chest at the time of his death were placed there by paramedics on the scene to detect heart action.

He then explained that because of the ongoing independent judicial review being conducted by Lord Hutton, it was "highly unlikely" that any more evidence would need to be heard by him and he was handing the main investigation into Kelly's death over to Lord Hutton's inquiry.

He did so because the Lord Chancellor, Lord Falconer, had ordered him to under Section 17a of the Coroner's Act of 1988 allowing a public inquiry chaired or conducted by a judge to "fulfil the function of an inquest".

The Hutton Inquiry has now been ongoing for three weeks and it must be clear to all that it cannot be trusted to make a serious investigation of how Kelly died. It has certainly shown no inclination in this direction. If it had, then someone reporting that Kelly believed he would be found dead in the woods would not have been passed over in such a cavalier fashion. It would have spurred on those concerned to intensify their efforts to get at the truth and demand answers to questions that are being raised by many ordinary members of the public who do not accept the official version that Kelly committed suicide.

* Kelly had been at home for just one day after his testimony before the Foreign Affairs Committee. Yet there were apparently no police guards, MI5-MI6 spies or even any media outside his house. Why?

* His behaviour on the morning of July 17 is hard to reconcile with that of a man who later supposedly committed suicide. He had worked

on a report which he said he owed the Foreign Office and sent emails, including one to *New York Times* reporter Judith Miller in which he famously spoke of "many dark actors playing games" with him and another stating that he was determined to overcome the scandal surrounding him and was enthusiastic about the possibility of returning to Iraq as a weapons inspector. No suicide note was left by Kelly.

* Why did a scientist choose such a difficult means of killing himself as slashing his wrist and not even take enough painkillers to do the job more effectively and less painfully?

* Special Branch officers from Scotland Yard sealed off Kelly's offices in Whitehall and seized his computer, but we do not know what they found.

On July 3, the *New Scientist* wrote an editorial anticipating the Hutton Inquiry and what questions it expected to be answered. It provides an indication of how many people will feel cheated by what has happened subsequently.

The editorial asks, "First, why does Kelly's testimony to the select committee differ from accounts given by BBC reporters of their discussions with him? By the time Kelly gave evidence, he had reportedly been questioned for five days by his employer (the Ministry of Defence), named in public by the MOD against his wishes, and kept in an MOD safe house. During all this time, had the MOD forced him into some kind of deal?"

"Could it be that BBC reporters manipulated Kelly's views for their own ends? For one journalist to do this is plausible. But it seems Kelly spoke to three and gave a similar account to all of them.

"Finally, in two of the BBC reports there is a sense that Kelly speaks not only for himself but for 'people in intelligence'. This raises the question of whether he acted alone or with the approval of others.

"Answering these questions may go some way to explaining why a man who survived confrontations with the vicious, secretive regime in Baghdad was finally destroyed by a supposedly free and open society."

Material relating to these and many other questions hardly ever addressed by the press has emerged repeatedly during the Hutton Inquiry but never been probed. The issues must be fully investigated before a verdict can be pronounced on Kelly's death. The testimony provided by Broucher and its reception by the inquiry and the media only confirms the necessity for a full and independent investigation that is not under the control of the judiciary and whose remit is dictated by the search for truth rather than the requirements of political expediency.



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