

Tories Ready to Reopen Dr David Kelly Suicide Inquiry

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The investigation into the death of weapons inspector David Kelly is likely to be reopened, it has emerged.

The case has 'concerned' Attorney General Dominic Grieve and – as the highest ranking law officer in England – he is considering an inquiry to review the suicide finding, Whitehall sources say. At the same time, Justice Secretary Ken Clarke is considering a request from campaigning doctors to release medical files relating to the death.

Lord Hutton, whose inquiry into the death was denounced as a whitewash, has indicated the papers should be kept secret for 70 years. Medical experts have repeatedly questioned whether Dr Kelly could have taken his own life in the circumstances described by Lord Hutton.

The re-opening of the case is understood to have the backing of several other Government members, including Transport minister Norman Baker, who believes Dr Kelly was murdered. Dr Kelly's body was found in woods close to his Oxfordshire home seven years ago next month. Although a coroner's inquest was set up to examine the 59-year-old's death, it was suspended. In its place the Government established the Hutton Inquiry. Unlike a coroner's inquest it had no statutory powers and did not require witnesses to give evidence under oath.

Hutton concluded that Dr Kelly killed himself by cutting his left wrist with a blunt gardening knife after he was named as the source of a BBC news report questioning the Blair government's grounds for invading Iraq. But the Hutton Report, published in January 2004, was dismissed by experts as a whitewash for clearing the Government of any blame, despite evidence it had leaked Dr Kelly's name to smear him. From the time Dr Kelly's body was found, on 18 July 2003, questions have been raised about the nature of his death. A group of leading doctors who are campaigning for a coroner's inquest to be held spent a year compiling their own medical report.

It disputes that Dr Kelly, a Ministry of Defence employee and the world's leading weapons inspector, could have died from haemorrhage, as Hutton concluded. The doctors said it was not possible he would have died by severing the ulnar artery in his left wrist, as Hutton thought, because it is so small and difficult to access. It also emerged after the Hutton Inquiry that no fingerprints were found on the knife Dr Kelly is alleged to have used, and that he was not wearing gloves when his body was found.

In January, it came to light that Lord Hutton secretly classified vital evidence relating to Dr

Kelly's death, including all medical and scientific records, the post-mortem report and photographs, for 70 years – until 2073.

This information was not included in the Hutton Report. Mr Grieve's willingness to re-examine how Dr Kelly died comes three months after he wrote to Michael Powers QC, who has been working with the doctors to secure an inquest.

In the letter Mr Grieve said: 'I am aware of the work of the doctors' group on challenging Lord Hutton's findings.

'They have made an impressive and cogent case.'

A source confirmed his position has not changed since he entered the Government and he is exploring a way to reopen the inquiry. As Attorney General he would be the final arbiter in any decision to apply to the High Court for a full inquest.

In January, the doctors applied to the Ministry of Justice to see Dr Kelly's post-mortem report and records. So far the MoJ has not released them. Mr Baker told the Daily Mail: 'It's astonishing that such a high profile death has not yet been subject to a proper inquest. If the Attorney General is seeking to correct this I welcome it.'

70 Years of Secrecy

Lord Hutton has been criticised for ordering that medical records relating to the death of Dr David Kelly should be kept secret for 70 years.

A 30-year ban was placed on 'records provided which were not produced in evidence'. This is thought to refer to witness statements given to the inquiry which were not disclosed at the time.

But Lord Hutton ordered all medical reports – including the post-mortem examination findings by pathologist Dr Nicholas Hunt and photographs of Dr Kelly's body – to remain classified information for the seven decades.

This usually only applies in cases of murder. The normal rules on post-mortem examinations allow close relatives and 'properly interested persons' to apply to see a copy of the report. They can also 'inspect' other documents.

The precise legal basis for Lord Hutton's order has puzzled experts.

The most likely source is a rule which states that medical reports and post-mortem reports can be classified by the Government until the deceased's youngest child is aged 100.

Dr Kelly's youngest daughters were 30 when he died. Classifying the papers for 70 years would take them to the age of 100.

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