

The Mysterious Death of Doctor David Kelly

A SLEUTHING REPORT

Yassmeen Radif, Matt Roberts and Harry Zacharias
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*“Trouble with this jigsaw puzzle is, once you put it together, you realise it’s just
a part of a much bigger puzzle”*

– ‘MR TOAD’

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Some of these figures and tables are provided as a separate removable page, for the convenience of the reader. This is because they will be referred to multiple times throughout this report.

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2 INTRODUCTION

2.1 BACKGROUND

Dr David Kelly was a British scientist, who worked as a weapons inspector for the United Nations Special Commission (UNSCOM). He was renowned for his expertise in his field; over the course of his career, he developed an intricate understanding of Iraq's weapons programmes. Thus, the government and secret services regularly sought his advice.⁽⁴⁹⁾

On March 19th 2003, five countries, including the UK and US, invaded Iraq. The basis for this war had been laid out in two dossiers (*Section 3*), published in the preceding months, to which Kelly had contributed. However, when he began to raise concerns about the integrity of these documents, he would find himself caught in a political storm. Four months later, Kelly was dead. The official verdict was suicide; a decision that many believe is flawed. Twelve years later, many questions remain unanswered, and the search for the truth continues.

2.2 AIM

This report will investigate the death of Dr David Kelly on the presumption that: (i) he was murdered, or (ii) he committed suicide.

To achieve this, it is necessary to objectively assess the available evidence with consideration to current developments. Furthermore, the knowledge of those who have disputed the verdict will be sought to sharpen a picture still shrouded in ambiguity.

This topic is particularly pertinent in light of the impending Chilcot Report, which will examine “the UK's involvement in Iraq, including the way decisions were made and actions taken”.⁽³⁶⁾

2.3 STRUCTURE

There are many aspects to the case, and these cannot be considered in isolation. The complexity demands an appreciation for how the evidence interacts within the wider context surrounding the key event.

Therefore, this report will address the events chronologically, regularly analysing how they may have contributed to the death of David Kelly. The report will then draw upon this essential information to outline the main theories and their relevance within the underlying context.

2.4 GLOSSARY OF ABBREVIATED TERMS

Table 1: A list of common abbreviations that will be used throughout this report. The full form is given, along with the definition^(23, 35, 46, 63, 65, 66).

Abbreviation	Full Form	Explanation
CBW	Chemical and Biological Weapons	A chemical weapon is “any toxic chemical or its precursor that can cause death, injury, temporary incapacitation or sensory irritation through its chemical action”. A biological weapon delivers “toxins and microorganisms such as viruses and bacteria, so as to deliberately inflict disease”.
MoD	Ministry of Defence	A ministerial department which works to protect the UK. It aims to maintain the armed forces and provide them with training. David Kelly was employed by the MoD since 1984.
UNSCOM	United Nations Special Commission	An establishment that was set up to “implement the non-nuclear provisions of the resolution” to eliminate Iraq’s weapons of mass destruction and ballistic missiles.
CIA	Central Intelligence Agency	“An independent agency, responsible for providing national security intelligence to senior US policy makers”.
WMD	Weapons of Mass Destruction	“Any explosive device, any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors”. “Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life”.
FAC	Foreign Affairs (Select) Committee	A committee charged with “examining the expenditure, administration and policy of the Foreign and Commonwealth Office (FCO), other bodies associated with the Foreign Office and thereby within the committee’s remit, include the British Council”.

2.5 TIMELINE OF MAIN EVENTS

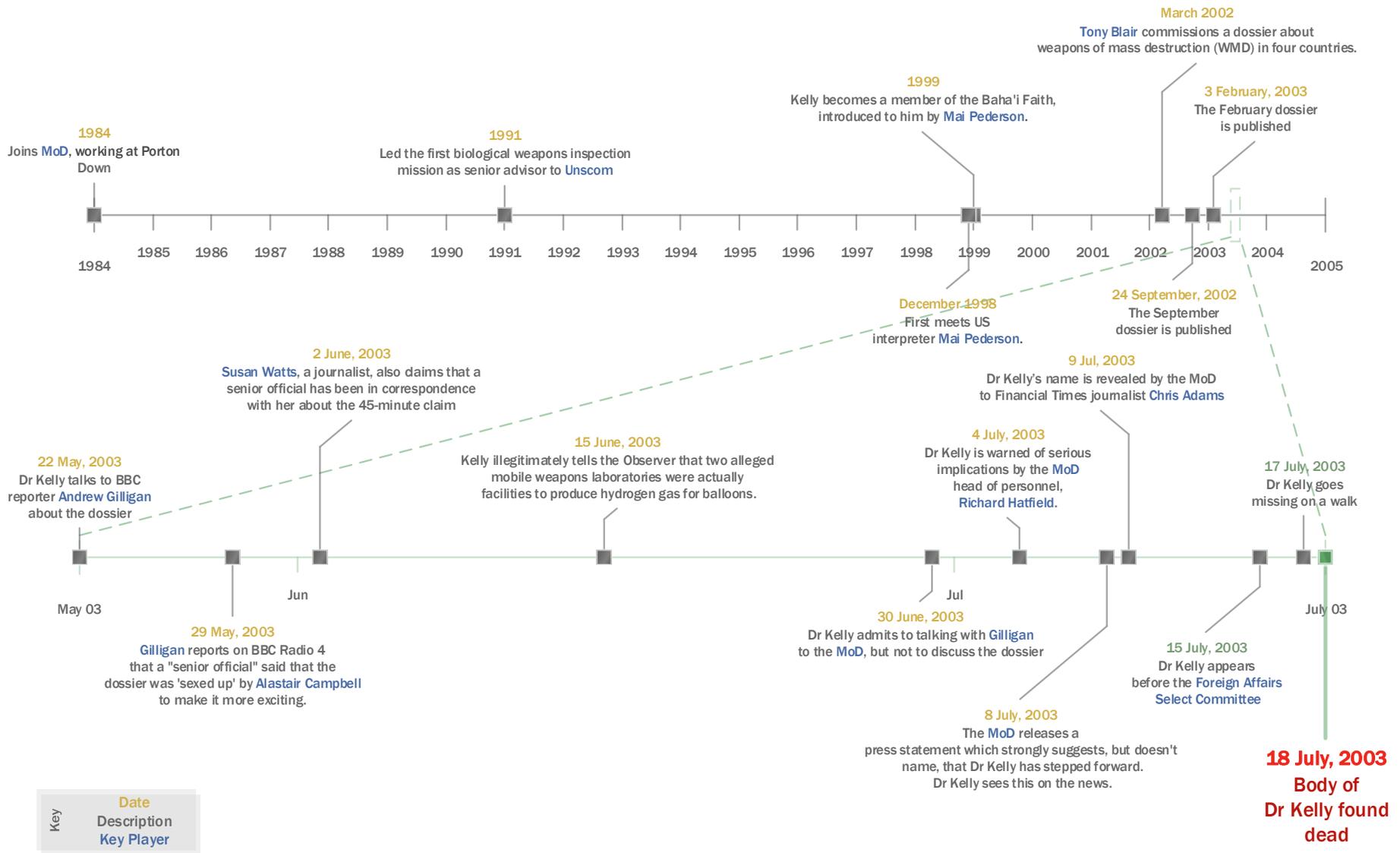


Figure 1: The timeline describing the main events, from Dr Kelly's appointment at the MoD, to the day his body was found⁽⁷⁾

2.6 KEY CHARACTERS



Figure 2: The key characters involved with Dr Kelly's death, and how they were involved^(1, 2, 17, 41, 43, 47, 48, 64)

3 THE DOSSIER

Published on 24th September 2002 (see *Figure 1*), the ‘September Dossier’ (formally known as ‘Iraq's Weapons of Mass Destruction: The Assessment of the British Government’) would spark the cascade of events that led to Dr Kelly’s death.⁽²⁹⁾ The government’s paper aimed to investigate WMD in Iraq, and ultimately led to the country’s invasion in 2003. A second document, the ‘February Dossier’ (formally known as ‘Iraq – Its Infrastructure of Concealment, Deception and Intimidation’) was later published on 3rd February 2003.⁽²⁸⁾ This section will investigate the dossiers and their claims to determine how they could have led to Kelly’s death.

3.1 THE ‘SEPTEMBER DOSSIER’

According to Alastair Campbell (see *Figure 2*), the September Dossier aimed to “[set] out the facts on Iraq’s WMD”.⁽⁴²⁾ However, when Whitehall published documents to discuss the creation of the dossier, it surfaced that many aspects were changed in order to justify the case for war.

The most major change caught Dr Kelly in the political storm that led to his death. Labelled as the ‘45-minute claim’, the dossier suggested that Iraq could fire its WMD within 45 minutes of the order. This was among several other changes made to the first draft in order to, as BBC reporter Andrew Gilligan claimed, “sex up” the dossier to make the UK’s case of invasion stronger.⁽⁴²⁾ These changes are outlined in Table 2.

Many blamed Campbell for these changes, which he denied. The MoD claimed that “the purpose of the dossier was precisely to make a case for war, rather than setting out the available intelligence, and that to make the best out of sparse and inconclusive intelligence the wording was developed with care”.⁽⁵⁹⁾

3.2 THE ‘FEBRUARY DOSSIER’

In February 2003, the government released a second publication, which also focused on WMD in Iraq. However, there were fundamental flaws; a substantial amount of its wording came directly from the work of a postgraduate student, Ibrahim al-Marashi. In addition to this, grammatical errors were reflected between the two documents. Like the September dossier, more words were ‘hardened’ for impact: these are shown in *Table 3*.

Table 2: A comparison of the changes made between the draft September dossier (up until 19th September) and the final, published September dossier (24th September).⁽⁴²⁾ The last column states how this change affected the meaning of the dossier

Alteration	Draft Dossier	Published Dossier	Implications
Changed title	“Iraq's Programme for WMD”	“Iraq's Weapons of Mass Destruction”	WMD were already developed and ready to fire, increasing the perceived threat of Iraq.
Changes to language	WMD could deploy within 45 minutes of an order to use them	WMD are deployable within 45 minutes of an order to use them	More threatening language used to emphasise an ‘imminent’ threat of attack.
	“Other dual-use facilities, which could be used to support the process of chemical agents and precursors, have been built and re-equipped.”	“Other dual-use facilities, which are capable of being used to support the process of chemical agents and precursors, have been built and re-equipped.”	Campbell suggested that ‘could’ was a weak word to use.
Removing text	“The case I make is not that Saddam could launch a nuclear attack on London or another part of the UK (he could not). The case I make is that the UN resolutions demanding he stops his WMD programme are being flouted.”	[Text Removed]	The original text made the threat seem weaker than desired. It was removed to make the case for invasion stronger.
	“Saddam is prepared to use chemical and biological weapons if he believes his regime is under threat”	[Text Removed]	Britain knew that Saddam did not have WMD, but would create them if he came under attack. Johnathan Powell, chief of staff, expressed that this should be removed to increase the perceived threat.

Adding text	[Text not present]	“despite sanctions and the policy of containment, Saddam has continued to make progress with his illicit weapons programmes”	Sentences were added to increase the impact of the dossier. Alastair Campbell suggested this to John Scarlett (head of Joint Intelligence Committee).
	[Text not present]	“[WMD] are capable of reaching a number of countries in the region, including Cyprus”	Britain had a military base in Cyprus. This inclusion made Britain seem under greater threat.
Changing figures	“After the lifting of sanctions, we assess that Iraq would need at least five years to produce a weapon.”	“Iraq could produce a nuclear weapon in between one and two years.”	Adding and changing figures, using more favourable sources, to emphasise Iraq’s threat.
Uncorrected Errors	The ‘45-minute claim’ was only valid for battlefield weapons and not long-range missiles. This was unclear in the dossier, and left uncorrected.		

Table 3: Changes made to the February dossier. The flaws are listed, along with an example, and how this affected the meaning of the dossier^(9, 28, 45)

Flaw	Example	Implications
Text taken from the work of Ibrahim al-Marashi without correction of grammar mistakes	“Saddam appointed, Sabir 'Abd al-'Aziz al-Duri as head”.	The work is not that of the UK government, discrediting its validity.
Changing figures	Personnel to be of an estimated 18,000 to 40,000 in number, changed to 30,000 to 40,000 in final draft.	Exaggerating figures for more impact in order to emphasise Iraq’s threat.
Changing text	“aiding opposition groups in hostile regimes” became “supporting terrorist organisations in hostile regimes”.	Further ‘hardening’ of text for impact.

3.3 DR KELLY'S ROLE

Dr Kelly described his involvement in the September dossier as “writing an historical account of the UNSCOM inspections and providing input into Iraq's concealment and deception”.⁽⁵⁴⁾ He was shown a draft on 9th September 2002; Kelly believed that the wording was not incorrect, but had “a lot of spin on it”.⁽⁷⁾ Despite this, he did not explicitly alert his seniors, and did not mention the 45-minute claim when attending a meeting on the dossier on 19th September.⁽⁷⁾ However, it must be noted that the dossier was further altered after this meeting: Kelly might not have seen the more dramatic changes until it was published.

At first, Kelly showed some concern about the dossier's exaggerations, and it appears that he distanced himself from its drafting. In an unpublished article, Kelly wrote that he believed that there was a long-term threat of WMD in Iraq, but that the immediate threat was only *modest*.⁽³⁸⁾ It is possible that when the exaggerations continued in the February dossier (*Section 3.2*), Kelly started to show more concern, thereby pushing him to voice his opinions.

3.4 ANALYSIS

The exaggerations and mistakes made in the dossier were glaringly obvious. It is now widely believed that the government, namely Alastair Campbell, did this in order to strengthen their case for the invasion of Iraq. Due to the seriousness of this allegation, any criticism might have had great repercussions, to which Kelly was not immune. This will be further explored in *Section 4*.

Overall, it is not possible to draw a definitive conclusion from this section alone. Rather, this provides a ‘foundation’ in order to contextualise and support subsequent evidence regarding the cause of Kelly's death.

4 TODAY PROGRAMME BROADCAST AND RELEASE OF IDENTITY

In May 2003, Dr Kelly met with BBC journalist Andrew Gilligan.⁽⁵⁶⁾ In this meeting, the pair were alleged to have discussed the case for war in Iraq.^(34: p25) However, a week later, on May 29th, Gilligan made a broadcast on the Today Programme, stating that the '45-minute figure' quoted in the September Dossier (*Section 3.1*) was incorrect and that the government had ordered it to be 'sexed up'.^(34: p11-13) He did not give a name, but referred to his source as "a senior official in charge of drawing up the dossier" from the "intelligence service".^(34: p12) This would be the spark that ignited the fire.

4.1 GILLIGAN'S SOURCE

In the days that followed Gilligan's broadcast, vehement efforts were made by both the government and the press to reveal the identity of his source.⁽⁶²⁾ Gilligan poured fuel on the fire by blaming Campbell for the insertion of the 45-minute claim, which he denied.^(34: p20) This brought the government's credibility to the fore, and triggered the mass 'firestorm' that would ensue between the government and the media.^(58: p204) In response, on 3rd June, the Foreign Affairs Select Committee (FAC) announced it would investigate 'The Decision to go to War in Iraq'.⁽²²⁾ Meanwhile, Gilligan refused to identify his source, but admitted that he had known the source for quite some time, although their meeting in May was the first in nearly a year.⁽⁵¹⁾

Kelly became aware of the growing storm; on 30th June, he wrote to his line manager at the MoD, admitting that he had met with Gilligan to discuss the war in Iraq.^(34: p25-26) He was adamant, however, that he could not have been his primary source, as Gilligan's claims did not concord with what he had said.^(34: p27) The full letter can be found in *Appendix 1 – Dr Kelly's Letter*.

Consequently, the MoD called Kelly for internal questioning.^(34: p27) One purpose of this was to assess "Kelly's readiness to be associated with a public statement that [named] him and [carried] a clear and sustainable refutation of the core allegation on the '45-minute' intelligence".^(3: p167) In the first of two interviews, Kelly reiterated what he expressed in his letter. He was warned that his name may be released, and that "any further breaches would be almost certain to lead to disciplinary action".^(34: p29)

After his second interview, the MoD concluded that "the account given to us did not match Gilligan's".^(34: p42) On the contrary, the government – including Campbell – who had become aware that an MoD employee had come forward as a possible source, deduced that Kelly was likely to be the culprit.^(58: p8,209)

Furthermore, Campbell believed that Gilligan had embellished upon what Kelly had said, and wanted to use this to discredit him with full force.^(34: p233, 58: p209) In an excerpt from his diaries from 4th July, Campbell's thoughts were clear:

"It was double-edged but GH (Geoff Hoon) and I agreed it would fuck Gilligan if it was his source."

"He [Gilligan] said he was an expert rather than a spy or full time MoD official."⁽¹¹⁾

In the following days, the government deliberated over how best to manage this situation: their aim was to compel the BBC to admit that Kelly was Gilligan's source, and to retract the story in order to discredit Gilligan.^(58: p210) The BBC refused, thereby igniting a war between the government and the press. In the words of Cabinet Secretary Andrew Turnbull, "the whole thing spiralled out of control".^(34: p210)

4.2 IDENTITY REVEALED

It has been said that Campbell suggested for Kelly's name to be leaked to a "friendly journalist". However, to prevent the release of the name being traced back to Downing Street, Blair "[sanctioned] a naming strategy".^(58: p211) This plan involved the MoD issuing a press statement saying an employee had admitted to speaking with Gilligan.

This statement strongly alluded to Kelly; although released by the MoD, its composition is said to have taken place at Number 10.^(58: p211) This suggested the government's involvement in disclosing Kelly's name tactically. In response to this, the BBC released a statement saying the description did not correspond to that of Gilligan's.⁽⁷⁾

The MoD also created 'question and answer' material to be used in response to journalists' enquiries. Incorrect suggestions were rejected, but if Kelly's name was guessed, it was to be confirmed.^(58: p211) It is alleged that one journalist made 19 phone calls before reaching the correct answer.^(3: p172) Many viewed this as a veiled attempt to release Kelly's name, a tactic which had dire consequences.

Kelly's name had now been made public. A week later, he would be dead.

4.3 FOREIGN AFFAIRS SELECT COMMITTEE

It was two days before his death when Kelly was called before the FAC for questioning.⁽⁷⁾ At the inquiry, he appeared to be under a huge amount of pressure; he spoke so softly that the air conditioning needed to be switched off for him to be heard. At points throughout the session he looked particularly uneasy; his wife, Janice Kelly, would later reveal that she had never seen him so unhappy.⁽³⁹⁾

As the inquiry progressed, Kelly expressed his belief that he could not have been Gilligan's primary source. Specifically, he cited that, contrary to Gilligan's evidence, he was not in charge of drawing up the dossier.⁽⁵⁴⁾ Kelly was asked about a conversation that had taken place with another journalist, Susan Watts.⁽⁵³⁾ Unbeknownst to him, Watts had recorded the exchange; the transcript was then read to Kelly verbatim.⁽⁵⁴⁾ Apparently, Kelly had spoken to Watts regarding his views on Campbell's 45-minute claim (see *Appendix 2 – Kelly's Conversation with Susan Watts*).^(34: p16-18) Kelly had not expected this line of questioning, which had somewhat "thrown" him, and left him deeply disturbed.⁽⁷⁾

The FAC concluded that Kelly had not been Gilligan's source, further stating that they believed the treatment he had received from the MoD was unsatisfactory.⁽⁷⁾ Campbell felt Kelly's appearance at the FAC had been a "disaster"; far from discrediting Gilligan, it had only made the situation more ambiguous.^(58: p212)

4.4 SCAPEGOAT

It is supposed by some that the government 'planned' to leak Kelly's name to the press. It seems apparent that the government hoped for the release of Kelly's name to put an end to the furore. Blair's press secretary wrote:

"This is now a game of chicken with the Beeb - the only way they will shift is [if] they see the screw tightening".⁽³⁷⁾

This was exacerbated by the BBC's refusal to acknowledge that Kelly was Gilligan's source; the MoD stated that "their silence is suspicious".⁽⁷⁾ Had the BBC become concerned that, although Kelly was the source, Gilligan had been guilty of embellishment? Indeed, the BBC criticised the "loose language" of Gilligan's broadcasts, describing them as having been "marred by poor journalism".⁽¹⁰⁾

At the FAC, it was put to Kelly that he had been "exploited [by the government] to rubbish Mr Gilligan and his source".^(54, 60) The FAC was accused of "jeering" at Kelly by asking him in a rather aggressive manner:

"I reckon you are chaff; you have been thrown up to divert our probing...You have been set up, have you not?"

to which he simply replied:

"I accept the process that is happening".⁽⁵⁴⁾

There is reason to suggest that Kelly was not Gilligan's main source, and at the time, many doubted he was. An internal report by the BBC stated Gilligan's broadcast utilised information "from two separate but related information sources"; one providing "background information", the other being the primary source.⁽³¹⁾ Sambrooke, head of BBC news, described:

“unattributable briefings from members of security services...expressing some unease at the way the intelligence had been presented in public”.⁽³¹⁾

What is most astonishing was that, on the day of Kelly’s death, Gilligan revealed to the FAC that he had made attempts to persuade “his source to go on the record”, but cited that this was not possible for career reasons. He was met with this reply:

“The fact you have just said that is clearly absolute confirmation from you that your source is not Dr Kelly.”⁽⁵³⁾

4.5 ANALYSIS

This entire ordeal had clearly taken its toll on Kelly, and it was reported that he felt deeply betrayed by the fact that the government, whom he had loyally served, were now using him as a scapegoat to deflect attention from their mistakes in the dossier.^(3: p183, 39)

The inquiry had been broadcasted on national television; having been interrogated in this way, one can argue that perhaps Kelly could not cope with the pressure of the situation. This was reiterated by his wife, who said that she was “physically sick several times at this stage because he looked so desperate”.^(3: p35) The stress that Kelly was under, compounded by the threat of disciplinary action, may have led him to commit suicide.

It is known that Kelly had multiple unauthorised meetings with other journalists, such as Watts, in which he had made assertions similar to those of Gilligan’s broadcast. Kelly may have been ashamed of this, prompting him to lie to the FAC, who pressured him to disclose every journalist he had been in contact with since 2002.⁽⁵¹⁾ This may have been too much to bear, triggering his suicide.

Equally, these clandestine meetings could support the idea that Kelly was murdered. The fact that he had access to such a wealth of sensitive information, which he had been disclosing in unauthorised meetings, could have posed the threat that Kelly would continue to divulge information that would undermine the case for invasion of Iraq. Therefore, he needed to be silenced.

There are further reasons that point to Kelly's murder. Gilligan’s inconsistent evidence suggested that Kelly may not have been his primary source. The BBC’s refusal to provide a name suggests that Gilligan might have used Kelly to corroborate another. It was only following his death that the BBC admitted that Kelly was in fact their source, which effectively stopped the hunt for a name. Perhaps this was their intention all along; could it be that Kelly was murdered to prevent the identity of the actual source being investigated?

Kelly might have known this himself. As noted several times in the Hutton Inquiry, he had acknowledged that he believed it was inevitable his name would be publicised, and even approved the press release. Indeed, Kelly was asked if he had been 'set up'.⁽⁵¹⁾ His response: "I accept the process", could suggest that he was forced to put his name forward and was aware of the consequences. Perhaps the 'process' was to protect another at the expense of Kelly's reputation, and ultimately, his life.

5 KEY EVENT: DR KELLY'S DEATH

By July 17th 2003, Dr Kelly had endured weeks of public attention and questioning. A respected, dedicated man had been rendered a traitor.

That morning, Kelly had sent a number of emails from his home in Oxfordshire, one in particular to Alistair Hay:

"Many thanks for your thoughts. Hopefully will all blow over by the end of the week and I can travel to Baghdad and get on with the real job". ^(3: p36)

He also sent an email to reporter, Judith Miller, speaking of:

"many dark actors playing games". ^(3: p201)

At 15:20 on 17th July 2003, Kelly told his wife that he would go for one of his usual walks; little did she know it was to be his last. By 23:45 that evening, he had not returned, and was reported as missing.

At 9:20 on 18th July 2003, Kelly's body was found in a wooded area of Harrowdown Hill, near his home in Oxfordshire. *Figure 3* shows the location and position of the body.

This became the key event in Kelly's timeline, the controversy of which will be discussed from *Section 6* onwards.

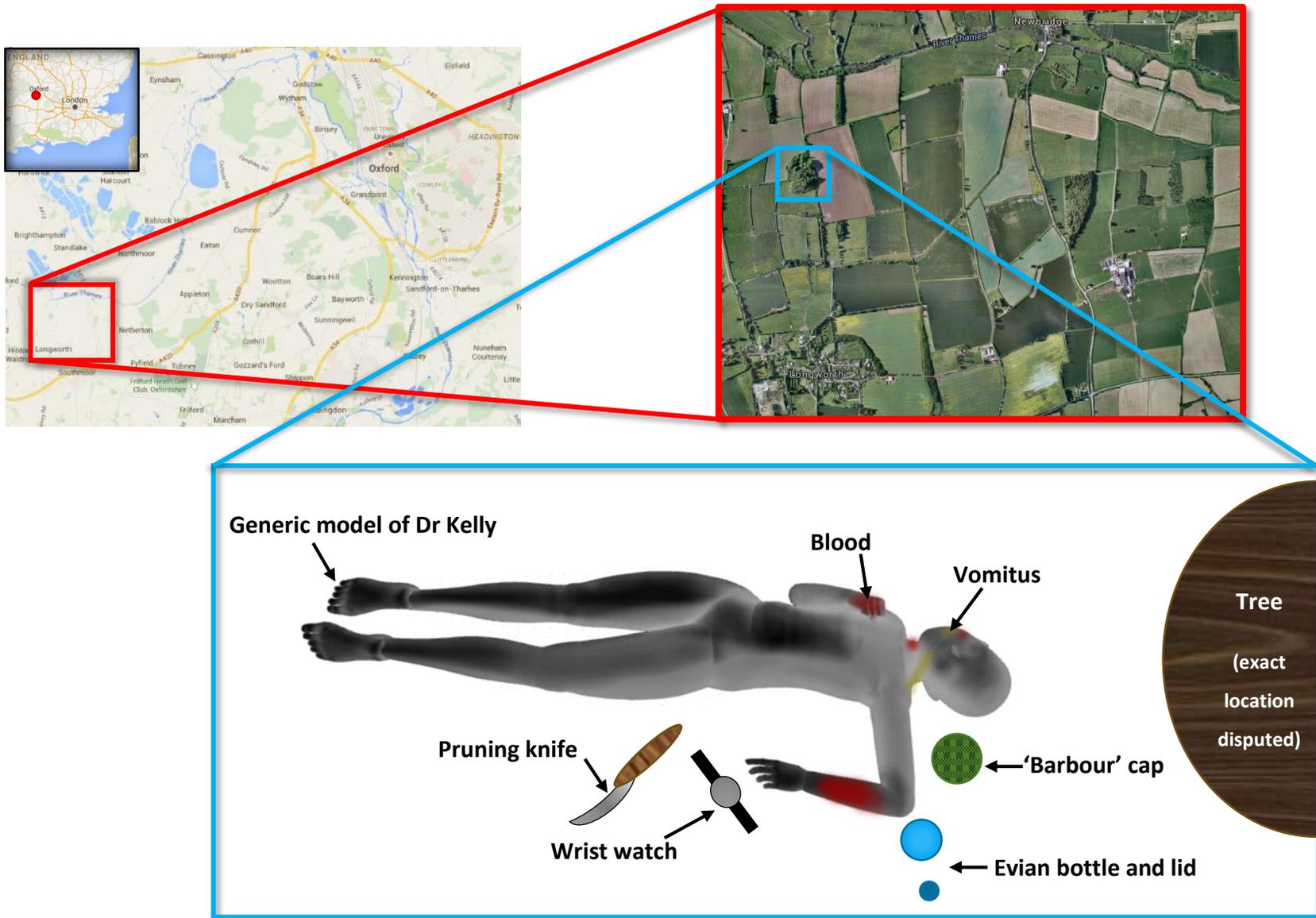


Figure 3: [Top] The location of Dr Kelly's body on Harrowdown Hill, Oxfordshire⁽⁶⁹⁾ (satellite images from Google Maps). [Bottom] The positioning of the body and any items in its proximity, as described by the pathologist's report (clothing and other features have been omitted)⁽³³⁾

6 THE HUTTON INQUIRY

6.1 INITIATION OF THE INQUIRY

Blair was informed almost immediately of Kelly's death whilst on a plane. He had just left the US after what can only be described as a public attempt to justify the Western invasion of Iraq, a feat which President Bush appeared to be struggling with. By the time Blair's plane had landed, he had already appointed Lord Hutton to lead the inquiry investigating the "circumstances surrounding the death of Dr David Kelly".⁽³⁴⁾

It is important to note that Blair made an unusual choice in selecting a public inquiry. Under normal circumstances, deaths are investigated by a coroner who must follow the rigorous standards of an inquest. However, in 1988, the government introduced the Coroner's Act, which would allow them to bypass the traditional coroner's inquest with a public inquiry.⁽¹⁶⁾ Prior to Kelly's death, this act had only been used four times, and only to investigate incidents where multiple deaths were involved.

Unlike an inquest, the Hutton Inquiry was not given a statutory declaration; therefore, witnesses were not required to give evidence under oath. Hutton did not have the powers that a coroner would have had; he could not subpoena witnesses, nor could he cross-examine them. Put simply, this inquiry was much less rigorous than an inquest might have been. For a death as high-profile as Kelly's, it is questionable as to why it was so loosely governed.

6.2 CAUSE OF DEATH

Although an inquest had begun, it was adjourned indefinitely. Thus, Nicholas Gardiner, the Oxfordshire coroner, lost his powers to compel witnesses in court. On 6th August, he wrote a letter to the Lord Chancellor, expressing his unhappiness with the situation. However, he was met with a frosty reply:

"the cause of death of Dr David Kelly is likely to be adequately investigated by the judicial inquiry conducted by Lord Hutton".^(3: p88)

At the inquiry, Gardiner was only allowed to question two witnesses: his pathologist Nicholas Hunt, and the forensic toxicologist, Alexander Allan. It would seem that Hutton was unabashedly sweeping Gardiner to the side-lines, allowing him as little a voice as possible. One might ask why the coroner, undoubtedly one of the key figures in the inquiry, was given so little authority. It was becoming glaringly obvious that Gardiner had "relinquished his role",^{(3:}

^{p89)} serving only as a puppet to carry out Hutton's wishes. Indeed, on 18th August, just one week after the Hutton Inquiry hearings had begun,⁽²⁶⁾ Gardiner filed the death certificate, listing the causes of death as:

1a. Haemorrhage

1b. Incised Wounds to the Left Wrist

2. Coproxamol ingestion and coronary artery atherosclerosis.⁽³⁴⁾

The full conclusions of the pathologist, can be found in *Appendix 3 – Pathologist's Conclusions*. Both of the causes of death have since been disputed. When Allan, the forensic toxicologist, gave his evidence, he stated that there was not enough coproxamol in Kelly's system to account for his death. What is more, Hunt changed his mind regarding the cause of death; this was never investigated by Hutton, making it abundantly clear that Hunt's opinion was not wanted.

Filing a death certificate implied that Gardiner was entirely sure of the cause of death. This was not his only option; he could have filed an interim report, allowing him to reserve judgement until he was confident of the facts.⁽⁶⁸⁾ Gardiner's excuse for this was that he had no guarantee that an inquest could be opened after the Hutton Inquiry had finished, leaving him no choice but to file the certificate 'just in case'. This was a plausible reason, yet this poses the question of whether there was any intention of ever opening up the inquest after Hutton had made his judgement.

What is more, as noted in the memorial of Dr Stephen Frost, the death certificate failed to mention the place of death. In addition, "the certificate itself is not signed by a coroner or a doctor as required". Dr Frost has deemed "the regularity of the death certificate highly questionable", and indeed, these missing details suggest an unlawful subversion of common practice.⁽²⁴⁾

This judgment appeared to have been made before Hutton even began his inquiry. Certainly, as Norman Baker wrote, "if the coroner was so confident in his conclusions, what was the point of Lord Hutton?"^(3: p92) Nevertheless, the questioning continued, and yet it seems that rather than objectively examining the facts, Hutton was searching for correlating evidence that matched the conclusion he thought he knew.

6.3 THE EVIDENCE

As Dr Michael Powers wrote: "although there were 24 days of evidence taken over two-and-a-half months, the whole of the medical evidence took no more than a half day".⁽⁵⁵⁾ The evidence that the Hutton Inquiry produced raised more questions than it answered, and this is perhaps the biggest reason why the cause of Kelly's death is

disputed to this day. The following section aims to outline the evidence that was revealed at the inquiry, as well as to assess the validity of its final conclusions. This is summarised in *Table 4*.

Table 4: A summary of the evidence to explain Dr Kelly’s death, provided at the Hutton Inquiry. The last column outlines any disputes to this evidence^(3: p13-27)

Feature	Conclusion	Conflicts
Transection of left ulnar artery	Primary cause of death by suicide	Ulnar artery is of ‘matchstick size’ Lies too deep within the wrist Ineffective method of suicide Kelly’s right arm was too weak
Blood at the scene	Primary cause of death due to haemorrhage from ulnar artery	Arterial clotting would prevent haemorrhage Not enough blood found at the scene and no attempts to measure blood loss
29 coproxamol tablets missing from pack of 30	Secondary cause of death by overdose of coproxamol tablets	Only 1/5 of tablet found in Kelly’s stomach Only 1/3 of fatal overdose in Kelly’s system Kelly had an aversion to swallowing tablets
Blunt garden knife	Used by Kelly to cut his own artery	No fingerprints found on knife Knife too blunt to cause the clean cut that would produce haemorrhage
500 ml bottle of Evian water, blood-stained, over half full	Kelly used the water to ingest 29 tablets	Not enough had been drunk to ingest 29 tablets Blood loss might have induced thirst

6.3.1 The Ulnar Artery

It was claimed that Kelly had cut his own ulnar artery by using a garden knife he had owned since childhood. In an open letter written by Dr David Halpin, a trauma and orthopaedic surgeon, he described the ulnar artery as “matchstick sized”, lying deep within the wrist. Unless there was an undiagnosed clotting disorder (which Kelly did not have), the blood would soon have clotted to prevent haemorrhage. Hunt, by assessing the inflammatory

reaction around the wound, decided that the cut must have been inflicted only minutes before his death. However, Halpin contradicts this; even if a bigger artery had been chosen, “it would still take well over half an hour to die”.⁽³⁰⁾

Hutton never ascertained which was Kelly’s dominant hand, which is now said to have been his left. It was claimed that Kelly’s right arm was so weak, he could “barely cut a steak”.⁽¹³⁾ Furthermore, it appeared that there were ‘hesitation marks’ on Kelly’s arm. As Dr Frost pointed out, the question of which side of the wound the hesitation marks were on was never asked (Frost, 2012, personal communication). Perhaps a minor detail, but this is what the Hutton Inquiry was for – to investigate the circumstances surrounding the death. However, minute details were not explored, and the transection of the ulnar artery was always going to be suicide, because that was what Hutton had decided from the very beginning.

6.3.2 Haemorrhage

The amount of blood that was found at the scene was described as “the size of a fifty pence piece above the right knee on his trousers” by Hunt, as well as “a little bit of blood on the nettles to the left of his left arm”.^(3: p25) To cause death, one needs to lose around four pints of blood. Such a vast amount cannot be hidden, and yet the blood described at the scene was limited. In fact, the inquiry was not even aware of how much blood Kelly had lost, despite this being a relatively easy statistic to acquire by soil analysis.⁽¹⁸⁾

Arteries pulsate, and when cut, produce a dramatic spray, which would invariably be detected, unless hidden in some way. It is curious then, why the inquiry chose to ignore this, and accept ulnar artery transection as a reliable way of committing suicide. Like much of the evidence, these facts were simply accepted for what they were.

6.3.3 The Knife

The knife found at the scene was described by Hunt as a “pruning knife... with a hook or a lip towards the tip of the blade”.⁽³⁴⁾ It was blunt, and therefore may not have produced a clean enough cut to cause severe bleeding. Furthermore, Thames Valley Police revealed that “no fingerprints were recovered from the knife”.^(3: p64) This speaks for itself – how would Kelly have been able to cut himself with a knife without ever placing his fingertips on the handle?

As John Scurr suggests, cutting one’s wrists is not an effective method of suicide, but rather a “cry for help”.⁽¹⁵⁾ Yet Kelly, being a microbiologist, surely would have known this, and at the very least would have realised that aiming for the ulnar artery with a blunt knife would not be the ideal way to commit suicide.



Figure 4: The pruning knife Kelly allegedly used to inflict his wrist wounds⁽⁵⁰⁾

6.3.4 Coproxamol

Overdose on 29 coproxamol tablets was listed as the secondary cause of death. Upon medical testing, it was revealed that nowhere near the toxic dose was found in Kelly's system (see *Table 4*). It is tenuous to proclaim overdose simply because the tablets were missing. Furthermore, it was claimed that Kelly had an aversion to swallowing tablets.⁽⁴⁴⁾ As a scientist, he would have surely known that a coproxamol overdose would have been a slow and laborious way to die, with no guarantee of causing death at all.

6.3.5 Atherosclerosis

Upon autopsy, it was revealed that Kelly had up to 70% coronary artery atherosclerosis, which allegedly contributed to his death along with the coproxamol overdose.⁽³⁴⁾ Only a few weeks prior, Kelly had undergone a full physical exam from the MoD, the results of which stated he was perfectly healthy. It seems rather convenient that the coroner had managed to find the atherosclerosis, despite it having gone unnoticed during Kelly's comprehensive check-up.

6.3.6 Finding the Body

Kelly's body was found by two volunteer searchers, who described his position as "sitting upright...with his back against a tree".⁽³⁴⁾ In contrast, DC Coe, the detective at the scene, described Kelly to have been lying flat. Although the facts have remained somewhat murky, Hutton states that the photograph of Kelly shows him almost flat, with his head against a tree (see *Figure 3*).⁽³⁴⁾

It seems unlikely that nobody at the scene could accurately report this; this raises the question of whether or not Kelly had been moved. Baker theorises that "he did lose the required amount of blood to cause death, but that this happened elsewhere and his body was moved".^(3: p24) Coe had been alone with the body for 25 minutes before

others arrived; it has been suggested that Coe himself moved the body, although he maintains that he stood “seven or eight feet” away from it the entire time.⁽³⁴⁾

Incidentally, Coe lied about who was with him at the scene, stating at the inquiry that there was only one other officer with him at the time. However, five other witnesses claimed that there were actually three detectives at the scene, but this discrepancy was overlooked, and Coe was never held accountable. Bearing in mind that Coe was not under oath when giving evidence, who is to say that he did not lie about the position of the body, just like he happened to ‘forget’ that there was a third colleague at the scene? After all, it is not as if he had the threat of perjury to keep him from lying in court (*Section 6.1*).

The vomit found on Kelly ran from his mouth to his ears, suggesting that he must have been lying flat. As Baker questions, “what person, intent on cutting their wrists, or indeed on swallowing large numbers of tablets, would do so on their back?”^(3: p58) Furthermore, Rowena Thursby has put forward the theory that Kelly’s body was intentionally moved with the purpose of creating a position consistent with the vomit on his face.⁽¹⁵⁾

Hutton seemed to take the inconsistency of Kelly’s reported position to be a sign that all the witnesses were telling the truth. In his words:

“Entirely honest witnesses often give evidence as to what they saw at the scene which differs as to details”.⁽³⁴⁾

As Baker describes, Hutton would have accepted it regardless. Dr Powers also expressed his criticism of the system, claiming that “a skilful cross-examination is often the key to ascertaining the truth”. However, the witnesses were “simply led through the evidence...reading the transcripts”.⁽⁵⁵⁾ The fact that every piece of evidence discovered can be questioned so thoroughly is a clear example of how corners were cut and details were missed. Where the sole purpose was to investigate the entire circumstances surrounding Kelly’s death, it appears that more questions arose than were answered.

6.3.7 Analysis

Once Hunt had given all of his evidence, he was then asked by Hutton, “is there anything else you would like to say concerning the circumstances leading to Dr Kelly’s death?”. Hunt’s answer was most curious: “nothing I could say as a pathologist, no”.⁽³⁰⁾ Such an abrupt answer cannot go ignored; perhaps Hunt had another piece of evidence he had not presented, or perhaps he was expressing his concern about the poor system of questioning.

To reach a conclusion of death by suicide, it must be “proven beyond reasonable doubt”. As Powers states, some deaths are “obviously suicide”, for instance, if a suicide note is present (Powers, 2015, personal communication;

see *Appendix 4 – Interview with Michael Powers, line 65*). Kelly's death was not an obvious suicide, and the Hutton Inquiry simply did not go to enough lengths to prove entirely that he killed himself.

At the inquiry, evidence was given from Keith Hawton, a professor of psychiatry, considered an expert in suicide. Without having ever met him, he decided that Kelly did indeed commit suicide, based on the fact that he chose Harrowdown Hill, a "pleasant place to choose to end one's days", as well as the fact that he had injuries on his wrists.⁽³⁴⁾ Whilst this is all true, the links drawn are rather flimsy and certainly not supported by enough evidence. This is not to say that suicide is an implausible conclusion. However, even if this were the case, it was not well-proven, and therefore cannot be accepted.

A rather poignant quote from Hunt states:

"The features are quite typical, I would say, of self-inflicted injury, if one ignores all the other features of the case".⁽³⁴⁾

Ultimately, this is exactly what the Hutton Inquiry did. In isolation perhaps, all the clues make sense, and may well point to suicide. However, Hutton ignored the details and the surrounding context, and he did not look at Kelly as a complex person with motives and vulnerabilities (see *Section 9*).

Hutton barely skimmed the surface, and as a result, missed the vital details. Perhaps he felt content with the conclusions he drew, or never intended to delve beneath what was obvious. Regardless, the evidence was moulded to fit a preconceived conclusion. Although Kelly was laid to rest, unanswered questions linger; a reminder that for, Dr David Kelly, in both life and death, all was not what it may have seemed to be.

7 AFTERMATH

On 28th January 2004, the Hutton Report was published and the backlash ensued. Gilligan resigned, as did the director-general of the BBC. Many disagreed with the findings of the inquiry; it was criticised for focusing too much on the ‘war’ between the government and the press, and not enough on Kelly himself.

It would later be revealed that Hutton would classify the documents and photographs from the inquiry for 70 years, allegedly to protect Kelly’s family from further disruption.⁽³²⁾ This raised questions as to what he was trying to hide.

The morning before its publication, a letter entitled “our doubts about Dr Kelly’s suicide” was published in the Guardian by three doctors, including Frost and Halpin.⁽²⁵⁾ Incidentally, that evening, the Hutton report was leaked to *The Sun*; it has been suggested that this was intentional, in order to undermine the effects of the doctors’ letter. The controversy surrounding the leak meant that any doubts of Kelly’s death were swept under the rug.

The way the Hutton Inquiry dealt with the evidence regarding Kelly’s death has since prompted this group of doctors, who were dissatisfied with the medical evidence, to question the final verdict. Although they cannot reach a sound conclusion as to what exactly caused Kelly’s death, they are united in the opinion that an inquest must be reopened in order to fully investigate the evidence in more detail.

8 CONTEXT AND THEORIES

Kelly's was a high-profile man, and the nature of his work made him enemies. Multiple theories have arisen regarding his mysterious death. This section will explore these theories, with respect to his background and contextual factors. This could lay the foundation to the final cascade of events that led to his demise.

8.1 SUICIDE

Whilst Kelly was studying at University, his mother ended her life by overdosing on barbiturates. Professor Hawton was questioned about the significance of this by Hutton. He acknowledged that mental illness and personality traits are inheritable, and suicide within a family could elicit similar attitudes in other members. This may have contributed to Kelly's decision to end his own life. However, he also admitted that Kelly showed no signs of depression. "The vast majority of people who kill themselves have a diagnosable mental illness or a history of prior attempts", wrote Robert Lewis for the Guardian in 2013.⁽⁴⁰⁾ Kelly had no such history.

As discussed in *Section 4.3*, Kelly's ordeal with the FAC, two days before his death, had left him in a state of "severe stress". His wife, Janice, further described him to have had a "broken heart".⁽⁶⁷⁾ This was a tumultuous time for Kelly; neither the MoD nor the government took great steps to protect his name. If Kelly did commit suicide, their betrayal may have been just as fatal as the knife itself. At a press conference shortly after Kelly's death, a reporter blurted out: "Have you blood on your hands, Prime Minister?". Blair was stunned into silence. Baker phrases the situation perfectly – it was "electric".^(3: p196)

8.2 'FRIENDS' AND ENEMIES

Kelly often liaised with both domestic and foreign intelligence staff, as well as the media. He was especially close with his US military interpreter, Mai Pederson. Some suggested that they were more than just good friends: he was officially registered as living in three of her houses in America, he had converted to her Bahá'i religion and she even had access to his home in the UK.⁽⁴⁴⁾

Pederson's ex-husband described her as a spy "with eyes that could bewitch any man".⁽⁴⁴⁾ He also revealed that "part of her military training was to cultivate anyone who might be able to help her in her intelligence work. It may well have been why she zeroed in on Dr Kelly; she undoubtedly viewed him as a potential intelligence source".⁽¹⁴⁾ If this were true, it is possible that she was influencing Kelly to advise the MoD in the favour of the US.

It was hypothesised that when UNSCOM was removed from Iraq in 1998, any evidence of WMD came solely from smuggled documents and satellites. It has been suggested that Pederson was in fact receiving fake intelligence from the Central Intelligence Agency (CIA) to be translated. She would then leak this to Kelly, claiming that the information was from smuggled documents. Kelly subsequently believed that WMD existed in Iraq, and that he knew where they were.⁽⁶¹⁾ When he went to Iraq to investigate, he found himself prohibited from entering on two occasions, leaving him suspicious over the integrity of the information he had been given. It is possible that the CIA ordered the death of Kelly when they discovered he had been questioning the invasion of Iraq, disrupting their plans. Pederson was familiar with Kelly's habits, including his daily walks. Having often stayed at his home, she knew the tools that could be used to mask his murder as suicide. Suspiciously, following Kelly's death, she almost disappeared from the public domain.⁽¹⁴⁾

Kelly's association with the claims over the 'sexed up' dossier could have angered many. "Operation Mass Appeal" was set up by MI6 before the invasion of Iraq, with the aim of planting exaggerated propaganda in the media about WMD. Part of this strategy was to recruit intelligence staff, like Kelly, to meet with journalists, hidden from the MoD.⁽⁵⁾ It is possible that Kelly was silenced by the intelligence organisation for potentially reversing their efforts to gather support for war.

When Pederson asked Kelly if he would ever commit suicide, he replied with: "good God no, I couldn't ever imagine doing that...I would never do it".⁽⁴⁾ Since he was also a member of the Bahá'í faith, which specifically teaches that suicide is forbidden, it is considered unlikely that he would have taken his own life.⁽⁸⁾

8.3 DR KELLY'S WORK

Kelly was seen as an "iron-willed individual" who often challenged the view and opinions of others.⁽⁵⁷⁾ His close relations with the United Nations (UN) and MI6 armed him with potentially lethal knowledge, and created doubts about his true loyalties.

By 2002, Kelly had been working at the MoD for 18 years.⁽⁷⁾ Despite this, it has been claimed that he was treated poorly; he had not received an increase in salary for three years, and he knew this would affect his pension. According to Janice Kelly, he was frustrated about this issue, and had written multiple letters to the MoD regarding his position.⁽⁵⁷⁾ Kelly might have been considered to be a bitter employee. *Section 8.2* acknowledges that he had many secrets, which he could potentially divulge. This made him a dangerous man, which may have prompted the need to eliminate him.

Kelly's communications with the press as part of his job might have made him even more vulnerable. He did, after all, talk of "dark actors playing games" just hours before his death.⁽²⁰⁾ Who these "actors" were, nobody knows; he

could have been referring to the culprits who had already started plotting his murder. The fact that he used the phrase “playing games” reinforces the theory that Kelly was being used by the government in their ploy to rise above the BBC and restore their damaged reputation.

On the other hand, Kelly’s mistreatment by the FAC (*Section 4.3*) and the media’s probing, may have been the final straw that caused him to take his own life. He may have feared that his employers would discover the extent of his unauthorised actions, especially as they now knew what he was capable of. Kelly was a proud man; his reputation took years to build.⁽¹⁹⁾ To have this reputation stripped from him over a period of just a few weeks crushed him. The humiliation Kelly felt was visible in the days before his death, and might have pushed him to end his life. It is equally possible that Kelly was blackmailed and emotionally abused by his employers and the government.

In an encounter with David Broucher, a representative to the Conference on Disarmament, Kelly quipped that he “would be found dead in the woods” if Iraq were to be invaded; suspiciously, this is exactly what happened.⁽⁵²⁾ It is rather harrowing that Kelly ended up predicting his own fate, and one wonders whether this was merely by coincidence. Perhaps he knew that he was a vulnerable man, and somewhat expected that he might be hunted after the preceding events.

8.4 SECRETS

Kelly was a man with many hidden secrets, and this made him dangerously influential. He was described by Robert Lewis as a “hard-edged...man of secrets, and he kept them all”.⁽⁴⁰⁾ For example, Kelly had shown Iraqi microbiologists around his military lab without informing his superiors, and he did not disclose information about government’s involvement with sending biological weapons to Baghdad.^(6, 40)

Keeping these secrets forever did not seem to be Kelly’s intention. It surfaced that he was in contact with a publisher in Oxford in order to market a book that outlined his views on WMD in Iraq. The beginning of this plan may have started with his interview with Gilligan, and Kelly might have been silenced to prevent him from revealing more damaging secrets. Following his death, his computers were erased and confiscated with no further comment; perhaps the government was attempting to keep his secrets hidden.⁽²¹⁾

It could also be that after his experience at the FAC, Kelly was afraid that he would be forced to part with secrets that would entirely undermine national security. If he did believe this, then he may have committed suicide in order to prevent anyone from discovering further information. However, this is unlikely considering that he was planning to publish a book of his secrets, and was openly discussing his thoughts with the media.

8.5 UNITED STATES GOVERNMENT

At the point of Kelly's death, The West had already invaded Iraq, despite the heavy questioning over the validity of the two dossiers. Kelly was not afraid to exert his opinion, even when it was unwanted, or in this case dangerous (see *Section 8.2*). Perhaps the US wanted to intimidate the British government into following suit with the invasion. Murdering Kelly would have been the perfect way to assert their authority over Blair. Kelly might have been murdered by the US as a warning to others that nobody must interfere with their plans for Iraq.

However, whilst Kelly posed a threat to the US, the biggest problems he caused were for the British. Kelly may have indeed been murdered, but it certainly appears that if this were to be done on his own soil, it would be at the hands of those he had directly wronged – the UK government.

8.6 HER MAJESTY'S GOVERNMENT

It is possible that the British government killed Kelly, following his claims that Alastair Campbell had 'sexed up' the dossier. This portrayed Blair in a negative light and put the government under much scrutiny. It could be argued, therefore, that Kelly had access to further information that would have been of threat to the government. Perhaps Kelly was the perfect martyr to serve as a warning to anybody who dared question their claims. As a result, they cleanly - or not so cleanly in this case - eliminated him. In Baker's words, Kelly was a "pawn to be played in the game against the BBC".^(3: p195)

It appears that the government was left to 'clear up' the situation that Kelly left, even after his death. This is reinforced by the fact that the Hutton Inquiry spent so little time focussing on the medical evidence, choosing to concentrate on the dossier and the BBC instead. This suggests that the government eliminated Kelly to prevent further damage to their reputation, or simply as punishment for causing so much trouble in the first place.

Kelly's death may have been a preconceived plan, suggested by Blair's swift reaction to the news. It was surprising "how quickly the political process swung into action".^(3: p3) Indeed, Hutton was immediately recruited and the inquiry decided upon almost overnight. Some even suggest that the fact that Blair was abroad at the time was a convenience rather than a coincidence.

8.6.1 'Mr Toad'

A post written in the Guardian talk forum shed new light on the theories surrounding Kelly's death. The author, 'Mr Toad', made the post on 30th December 2003, but it was mysteriously removed within a month. The original post is shown in *Appendix 5 – Mr Toad's Post*. This hasty removal gave the impression that the government may have intervened to hide the possible truth. Mr Toad's theories are shown in *Table 5*.

Table 5: An analysis of Mr Toad’s theories – his full Guardian post can be found in Appendix 5 – Mr Toad’s Post⁽⁷⁰⁾

Lines	Analysis
1	MI6 are based at the SIS Building on the Albert Embankment. This could suggest that MI6 had provided some, or all, of the information given by ‘Mr Toad’.
12-13	See <i>Section 4.4</i> : further suspicions that Kelly may have been a scapegoat to cover another’s identity.
14-17	Supports the case of <i>Section 4</i> . Kelly may not have been the primary source, and only wrote to the MoD in order to remain transparent. This could mean that the MoD failed to conduct a thorough investigation into the interview with Gilligan, causing them to assume Kelly was the primary source. The MoD, as well as Gilligan, could therefore be blamed for Kelly’s death.
18-20	Mistreatment by the MoD (<i>Section 8.3</i>) can further manifest here. Furthermore, Kelly’s reputation, as well as his close relationship and with Pederson (<i>Section 8.2</i>), could have been in danger; this may have caused Kelly to “accept the process” (<i>Section 4.3</i>).
25-27	Further support for the theory that Pederson was involved with Kelly’s murder. Since she was a spy with the aim of feeding the UK false information (<i>Section 8.2</i>), she had to act secretly; any exposure from Kelly could have caused her to alert her seniors, and have him killed.
29-46	See <i>Section 8.2</i> for analysis of Pederson. This is yet another confirmation of her involvement. As Kelly was barred from Iraq and persuaded of WMD by Pederson, it is possible that the US were trying to prevent him from finding the ‘truth’. When Kelly began to doubt the US’s claims that were mirrored in the UK dossier, he may have become a threat.

8.7 CHILCOT INQUIRY

On 15th June 2009, it was announced that an inquiry into Britain’s responsibility in the Iraq War would take place; the results are to published in July 2016. In the words of John Chilcot:

“It will be essential to ensure that the families of those who gave their lives in Iraq, or were seriously affected by the conflict, have an early opportunity to express their views”.⁽¹²⁾

However, in 2013, Carne Ross, a British diplomat, was warned at the inquiry that he was “not to mention the late biological weapons expert Dr David Kelly when giving evidence”.⁽²⁷⁾ This is a suspicious demand: as a figure who was so involved with the Iraqi invasion, it seems irrefutable that Kelly must be discussed as part of the inquiry. Why is the government so keen to drive him out of the picture? There certainly appears to be a missing piece to the puzzle that has yet to be found.

8.8 ANALYSIS

Kelly's background is complex and, in parts, incomplete. This has left his story fragmented, with many factors open to dispute. Therefore, while it is important to understand Kelly's background in order to lay the foundation on which to explore his death, it cannot be used to give a definite answer for its cause.

As is likely with any high-profile death, numerous theories will arise. However, with the limited available evidence, one must not accept these theories as fact. When considering the details objectively, it certainly seems plausible that Kelly's background would have made him more prone to murder than suicide; the conduct of the government after his death reinforces this theory. It is possible that Kelly may have been regarded as a threat due to his unauthorised meetings with journalists. This would have had implications for both the UK and US governments, detailing a possible motive for his elimination.

However, it is equally possible to argue the case of suicide, as the Hutton Inquiry has done. Work and reputation were certainly important to Kelly, and the prospect of losing these may have caused him to take his own life. This evidence is circumstantial at best, and, compounded with the tenuous medical evidence, does not prove suicide 'beyond reasonable doubt'. Although it is possible that Kelly committed suicide, the fact that this was not sufficiently justified by the Hutton Inquiry has fuelled the theories that suggest otherwise.

9 CONCLUSION

Dr Kelly, in both life and death, was a complicated man. A person is a product of their experiences; Kelly's life and career were complex, and this must therefore be considered when drawing conclusions. The Hutton Inquiry treated each facet of this case in isolation, failing to recognise how the evidence interacted with the context. An illustration of Hutton's approach is shown in *Figure 5*.

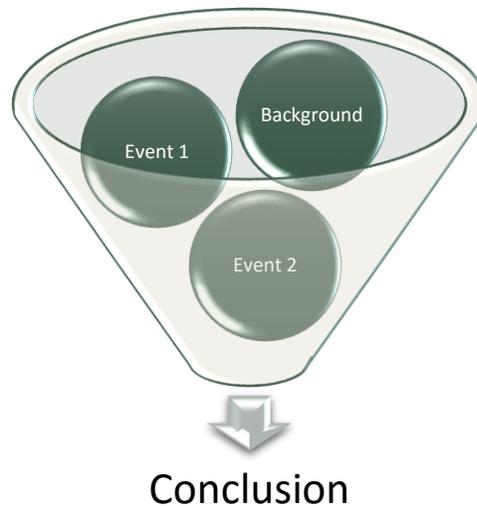


Figure 5: One approach to compiling evidence to conclude the cause of death of Dr Kelly. Here, evidence and conclusions gathered from each event are regarded individually to come to a final conclusion

This report has demonstrated an alternative way to appraise the evidence, by first laying the foundation before addressing how this could influence future events. Amongst much uncertainty, this approach will provide a more holistic conclusion. This is illustrated in *Figure 6*.

Firstly, the events leading up to the death of Dr David Kelly were discussed, in order to garner an appreciation for how his story would unfold. It is undisputed that the content of both dossiers had indeed been exaggerated. Nevertheless, the government remained adamant that this was not the case, and used Kelly to deflect from their dishonesty. It is clear that these were the elements that primed the start of his death.

Following this was the key event – the death itself. What truly occurred is not known, despite the Hutton Inquiry's proclaimed rigour. Those who dispute the official verdict of suicide are often deemed 'conspiracy theorists'. Despite not being based on conclusive evidence, these theories raise valid questions that the inquiry overlooked. The mystery of Kelly's death is a symptom of the flaws of the inquiry, and will remain unanswered until new evidence is unearthed.

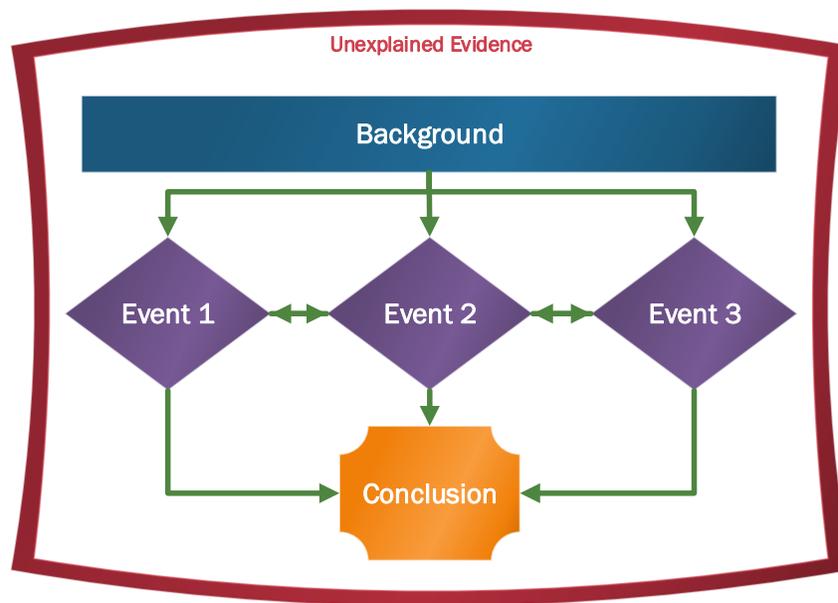


Figure 6: A more holistic approach to compile evidence, illustrating the complexity of the issue. Evidence obtained from Dr Kelly's background will influence the conclusions drawn from each event. Similarly, the findings of each event will influence each other to differing extents. This will make it difficult to come to a definite conclusion as to how he died, especially in the presence of unexplained evidence

Of course, the official verdict was suicide, which may well be the case. Kelly was under immense stress; his death came so shortly after his FAC meeting, that it is reasonable to surmise that he crumbled under the pressure. It is still possible that a cut to the ulnar artery would be lethal, however unlikely this may seem. The knife was Kelly's own, and he could have easily obtained the coproxamol from his wife. Thus, Hutton was not inherently wrong for considering suicide; however, he did not prove this 'beyond reasonable doubt'.

The fact that so many questions were left unanswered has left the verdict open to suspicion. It has already been established that Kelly's career left him vulnerable to murder. In light of his physical impairments and scientific background, his method of suicide seems implausible. The conduct of those at the scene of death, and the discrepancies in their witness statements, have raised concerns. Furthermore, the lack of transparency in what was supposed to be a public inquiry insinuates that there was something to hide. Thus, it is not farfetched to consider the possibility that Kelly was murdered. If this were to be the case, the execution was such that the evidence was easily accepted as suicide, a trap into which Hutton may have fallen.

The evidence, as it stands today, proves neither suicide nor murder beyond reasonable doubt. Whether Hutton simply did not do his job thoroughly enough, or whether this was a ploy carried out by scheming enemies, the result is that "a good man died".^(3: p195) It is in the interest of the public to investigate Kelly's death adequately and thoroughly; the only way this can be reliably achieved is by resuming the inquest that was so abruptly halted. Perhaps the anxiously-awaited Chilcot Inquiry will serve to provide the answers. Perhaps new information will come to light. Perhaps, one day, the truth will prevail.

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11 APPENDICES

11.1 APPENDIX 1 – DR KELLY’S LETTER

Dr Kelly’s letter of 30 June 2003 to the MoD and the MoD interview with Dr Kelly on 4 July 2003

46. On 30 June 2003 Dr Kelly wrote a letter to Dr Bryan Wells, his line manager in the MoD. Dr Wells held the post of Director of Counter Proliferation and Arms Control in the MoD. The letter was received by Dr Wells in the late afternoon of 1 July. The letter was as follows:

Andrew Gilligan and his single anonymous source

Over the past month controversy has raged over the September 2002 Iraq WMD Dossier primarily because Andrew Gilligan of the BBC has claimed that the dossier was “sexed up” at the behest of Alastair Campbell the Prime Minister’s press officer.

Andrew Gilligan is a journalist that I know and have met.

As you know I have been involved in writing three “dossiers” concerning Iraq – the 1999 UNSCOM/Butler Status of Verification Report, the September 2002 International Institute of Strategic Studies “Iraq WMD” report, and the UK Government “Iraq’s Weapons of Mass Destruction”. My contributions to the latter were in part 2 (History of UN Inspections) and part 1 chapter 2 (Iraq’s programmes 1971-1998) at the behest of the FCO and I was not involved in the intelligence component in any way nor in the process of the dossier’s compilation. I have not acknowledged to anyone outside FCO my contribution to any [of] these reports although it is easy to assume and conclude that I made contributions because of my substantial role in elucidating Iraq’s biological weapons programme. I am not a member of the intelligence community although I interact with that community and I am essentially, as an inspector, a consumer of intelligence not a generator of intelligence.

The contents of both IISS and UK Government dossiers, which both rely heavily on the 1999 Butler report, I have discussed with many individuals drawn from the UN, “Think Tanks” academia, the arms control community, together with the media. My discussions have been entirely technical and factual and although the “45 minute deployment” issue has obviously been raised I have always given the honest answer that I do not know what it refers to and that I am not familiar with an Iraqi weapons system that it matches. The latter is of significance to the UN since they had to take it into account in their work. The UK Dossier was of general interest for about ten days after publication and, with the exception of UNMOVIC, was not a topic later raised with me. After that my discussions about Iraq’s WMD centred on UNMOVIC’s re-engagement with Iraq, the “enhanced” inspection process and UNMOVIC’s findings. Since the war I have discussed with some of those same individuals the failure to use chemical and biological weapons by Iraq and the apparent lack of success in finding such weapons after the war. It is natural to do so since I am one of the few who knows Iraq’s programmes in detail and my information is derived from my United Nations work.

I have not had extensive dealings with Andrew Gilligan. As I recall I first met him at the IISS “Global Strategic Review” in September 2002 after the IISS dossier was published but before the UK Government dossier appeared. We would have discussed the IISS dossier since it was at the forefront of delegates discussions but the detail is now forgotten. I cannot recall meeting him before that although it is entirely possible that we have attended the same meetings at Chatham House or IISS. I next met with him in February 2003 at his request because he was about to depart to Iraq to cover the forthcoming war. I cannot recall any contact in the interim and do

not believe that contact was made. It is some time since that meeting but I believe that we covered the topics of Hans Blix and UNMOVIC inspections, Iraqi individuals associated with the WMD programmes and sites associated with the programme. I also spoke separately with Linsey Hilsum (Channel 4), Carolyn Hawley and Jane Corbin (BBC) about the same issues before they went to Iraq. Gilligan said that he would informally tell me about his experiences in Iraq on his return (as did Jane Corbin). I have spoken to both since the war. I have had a number of telephone exchanges with Jane Corbin principally because she is keen to do a follow up to her UNMOVIC "fly on the wall" with the Iraq Survey Group (and my comments to her have been neutral) but none with Gilligan other than one made by him to arrange to meet to discuss his experience in Iraq. I also speak irregularly with Susan Watts the BBC Science Editor and Andrew Veitch the Channel Four Science Editor about scientific and technical aspects of Iraq's weapons and UN inspections.

I met with Gilligan in London on May 22nd for 45 minutes in the evening to privately discuss his Iraq experiences and definitely not to discuss the dossier (I would not have met with him had it been the case). As I recall, we discussed his ability to report before, during, and after the war in the presence of minders and freedom to move around Baghdad; accommodation at the Palestine Hotel; his impression of the coalition attacks; US military protection of journalists; the revelations likely to be made by Amer Al-Sa'adi, Huda Amash, Rihab Taha, Tariq Aziz and Ahmed Murtadda who are individuals associated with Iraq's "past" programme. He was particularly intrigued by Huda since he visited her home and met her husband but not Huda after the war and found her home guarded by "regime" Iraqis. We also discussed the failure of Iraq to use WMD and the inability to find them. I offered my usual and standard explanations (conditions early in the war not favourable to CB use and lack of command and control late in the war; that the small arsenal of weapons (or its destroyed remnants) compared to 1991 would be difficult to find without human information). The issue of 45 minutes arose in terms of the threat (aerial versus land launch) and I stated that I did not know what it refers to (which I do not). He asked why it should be in the dossier and I replied probably for impact. He raised the issue of Alastair Campbell and since I was not involved in the process (not stated by me) I was unable to comment. This issue was not discussed at any length and was essentially an aside. I made no allegations or accusations about any issue related to the dossier or the Government's case for war concentrating on his account of his stay in Iraq. I did not discuss the "immediacy" of the threat. The discussion was not about the dossier. Had it been so then I would have indicated that from my extensive and authoritative knowledge of Iraq's WMD programme, notably its biological programme, that the dossier was a fair reflection of open source information (ie UNSCOM/UNMOVIC) and appreciations.

I most certainly have never attempted to undermine Government policy in any way especially since I was personally sympathetic to the war because I recognised from a decade's work the menace of Iraq's ability to further develop its non-conventional weapons programmes.

I have had no further contact with Andrew Gilligan since May 22nd.

I did not even consider that I was the “source” of Gilligan’s information until a friend in RUSI said that I should look at the “Oral Evidence provided to the Foreign Affairs Committee” on 19th June because she recognised that some comments were the sort that I would make about Iraq’s chemical and biological capacity. The description of that meeting in small part matches my interaction with him especially my personal evaluation of Iraq’s capability but the overall character is quite different. I can only conclude one of three things. Gilligan has considerably embellished my meeting with him; he has met with other individuals who truly were intimately associated with the dossier; or he has assembled comments from both multiple direct and indirect sources for his articles.

I should explain my “unusual” interaction with the media. In August 1991 I led the first biological weapons inspection in Iraq. I had no media exposure before that although anticipating that it would be inevitable I attended at my request the MOD Senior Officers TV course at Wilton Park which served to make me aware of some of the pitfalls of journalism. During and after the first inspection as Chief Inspector I conducted a number of major press conferences including the internationally covered midday press briefing at UN Headquarters in New York. That meant that the media were very much aware of me thereafter. Over the next ten years I

undertook at the request of MOD, FCO, CBD Porton Down, and the (sic) especially the UN press office and UNSCOM/ UNMOVIC press officer both attributable interviews and occasionally unattributable briefings. All such interactions were cleared by the appropriate authority. As my contact details became known it became inevitable that direct approaches were made and I used my discretion as [to] whether I provided information. My interaction with the media helped keep the issue of Iraq’s WMD a live issue. I interact with the media on four issues – Iraq, Soviet/Russian biological warfare, smallpox and anthrax. If it was technical information available from open sources (and nearly all requests were such) then I provided details or more realistically a clarification and explanation of that information (I tend to be a human archive on Iraq’s chemical and biological programmes). If it was about individuals (Iraqi or UN) I would comment only on their role and not their personality. Comment on other matters were declined although in the case of Iraq it is impossible to draw a clear distinction between the truly technical and Iraq’s political concealment.

I have appeared on many British and foreign television programmes including Today, Panorama, Channel 4 News, Newsnight, ABC, CBS sixty minutes, CNN etc. and I continue to get requests to do so. Since September 11th I no longer talk to camera about Iraq and rarely on other issues. All media requests are referred to James Paver of the FCO Press Office and most are now discouraged from approaching him by my stating that I doubted that it would be possible.

I have never served as a designated spokesperson for any organisation, never initiated the release of information on behalf of any organisation, and never discussed a JIC report. I have never contacted any journalist to claim that a newspaper report was correct (or incorrect). I have never made a claim as to the timing of when any part of the dossier was included. I have never acted as a conduit to release or leak information. I have never discussed classified information with anyone other than those cleared so to do. I do not feel “deep unease” over the dossier because it is completely coincident with my personal views on Iraq’s unconventional weapons capability.

With hindsight I of course deeply regret talking to Andrew Gilligan even though I am convinced that I am not his primary source of information. At the time of considerable disarray in Iraq I was eager to gain whatever first hand information I could about the circumstances in Iraq and individuals associated with Iraq’s WMD programme. I anticipated, incorrectly, that I would shortly return to Iraq to debrief some of those individuals and this is why I have spoken to some journalists who have also interacted with them recently.

I hope this letter helps unravel at least a small part of the “45 minute story”. It was a difficult decision to make to write to you because I realise that suspicion falls on me because of my long association with Iraq’s WMD programme investigation and the acknowledgement that I know Andrew Gilligan. I can only repeat that I do not believe that I am the single source referred to and that much of the information attributed to that source I am completely unsighted on and would not be able to provide informed comment about.

The letter Dr Kelly wrote to Bryan Wells of the MoD on 30th June 2003. Wells received this letter on 1st July⁽³⁴⁾

11.2 APPENDIX 2 – KELLY’S CONVERSATION WITH SUSAN WATTS

36. On 30 May 2003 Ms Susan Watts contacted Dr Kelly and had a lengthy telephone conversation with him which she recorded on a tape recorder and I am satisfied that she made an accurate transcript of that conversation. Part of that transcript is as follows:

SW: OK, um While I’m sure since you’ve been in New York I don’t know whether you’ve been following the kind of the rumpus that’s erupted over here over the ... spat between the intelligence service and the umm...

DK: I guessed something was up – I read the Times this am and I could see there was something there and I think this follows on from what was happening in the states with Rumsfeld’s comments.

SW: yes it’s partly prompted by Rumsfeld – two statements by Rumsfeld – the first one saying that it was “possible” the weapons were destroyed before the war started and then he went on I think in another speech yesterday to say that the use of the argument on the position on WMD was for bureaucratic reasons rather than being the prime motive for the war, which is a rather vague statement.

DK: yes

SW: But what intrigued me and which made, prompted me to ring you, (huh) was the quotes yesterday on the Today programme about the 45 minutes part of the dossier.

DK: yep. We spoke about this before of course....

SW: We have

DK: I think you know my views on that.

SW: Yes, I’ve looked back at my notes and you were actually quite specific at that time – I may have missed a trick on that one, but err

(both laugh)

SW: you were more specific than the source on the Today programme – not that that necessarily means that it’s not one and the same person ... but, um in fact you actually referred to Alastair Campbell in that conversation....

DK: err yep yep with you?...

SW: yes

DK: I mean I did talk to Gavin Hewitt yesterday – he phoned me in New York, so he may have picked up on what I said ... because I would have said exactly the same as I said to you....

SW: Yes, so he presumably decided not to name Alastair Campbell himself but just to label this as Number 10....

DK: yep yep

SW: are you getting much flak over that?

DK: me? No, not yet anyway I was in New York... (laughs)

SW: yes good timing I suppose

DK: I mean they wouldn't think it was me, I don't think. Maybe they would, maybe they wouldn't. I don't know.

SW: um so is that the only item in the report that you had concerns over being single-sourced rather than double-sourced?

DK: You have to remember I'm not part of the intelligence community – I'm a user of intelligence ... of course I'm very familiar with a lot of it, that's why I'm asked to comment on it ... but I'm not deeply embedded into that ...xxx... So some of it I really can't comment because I don't know whether it's single-sourced or not

SW: but on the 45 minutes

DK: oh that I knew because I knew the concern about the statement ... it was a statement that was made and it just got out of all proportion ... you know someone ... They were desperate for information ... they were pushing hard for information which could be released .. that was one that popped up and it was seized on ... and 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...

SW: but it was against your advice that they should publish it?

DK: I wouldn't go as strongly as to say ... that particular bit, because I was not involved in the assessment of it ... no... I can't say that it was against MY advice ... I was uneasy with it ... I mean my problem was I could give other explanations ... which I've indicated to you ... that it was the time to erect something like a scud missile or it was the time to fill a 40 barrel, multi-barrel rocket launcher

.... (Next 5 words physically removed from tape ... not present on Monday 14/7/03 assume due to rubbing as tape constantly re-wound)

...("all sorts of reasons why") 45 minutes might well be important and ... I mean I have no idea who de-briefed this guy quite often it's someone who has no idea of the topic and the information comes through and people then use it as they see fit

An excerpt of the transcript of Dr Kelly's telephone conversation with Susan Watts on 30th May 2003. (DK = David Kelly; SW = Susan Watts)⁽³⁴⁾

11.3 APPENDIX 3 – PATHOLOGIST’S CONCLUSIONS

- 1 The deceased was an apparently adequately nourished, man in whom there is no evidence of natural disease that could of itself have caused death directly at the macroscopic (naked-eye) level.
2. He has evidence of a significant incised wound to the left wrist, in the depths of which his left ulnar artery has been completely severed. This is in the context of multiple incised wounds grouped over the front of his left wrist and of varying length and depth.
- 3 The arterial injury has resulted in the loss of a significant volume of blood as noted at the scene.
- 4 The complex of incised wounds over the left wrist are entirely consistent with having been inflicted by a bladed weapon; the most likely candidate for which would be a knife.
- 5 The knife present at the scene would be a suitable candidate for causing such injuries.
- 6 The orientation and arrangement of the wounds over the left wrist are typical of self-inflicted injury. Also typical of this is the presence of small so-called ‘tentative’ or ‘hesitation’ marks
- 7 The fact that the watch appears to have been removed whilst blood was already flowing suggests that it has been removed deliberately in order to facilitate access to the wrist. The removal of the watch in this way and indeed the removal of the spectacles are features pointing towards this being an act of self-harm

- 8 Other features at the scene which would tend to support this impression include the relatively passive distribution of blood, the neat way in which the water bottle and its top were placed, the lack of obvious signs of trampling of the undergrowth or damage to clothing. The location of death is also of interest in this respect as it is clearly a very pleasant yet relatively private spot of the type that is sometimes chosen by people intent upon self-harm.
- 9 Many of the injuries over the left wrist show evidence of a well-developed vital reaction suggesting that they have been inflicted over a reasonable period of time (minutes rather than seconds or hours) before death.
- 10 There is a total lack of classical 'defence' wounds against a sharp weapon attack. Such wounds are typically seen in the palmar aspect of the hands or over the outer aspect of the forearms.
- 11 It is noted that he has a significant degree of coronary artery disease and this may have played some small part in the rapidity of death but not the major part in the cause of death.
- 12 Given the finding of blister packs of co-proxamol tablets within the coat pocket and the vomitus around the mouth and floor, it is an entirely reasonable supposition that he may have consumed a quantity of these tablets either on the way to or at the scene itself.
- 13 The toxicology result indicates that prior to his death he had consumed a significant quantity of these tablets. The active ingredients of co-proxamol are paracetamol and dextropropoxyphene. The absolute levels of paracetamol and dextropropoxyphene in the blood are not particularly high and may not ordinarily have caused death in their own right. In this particular case however, even these levels may be relevant as one must consider that dextropropoxyphene may cause death by its actions upon the heart leading to abnormalities of heart rhythm. Such abnormalities of heart rhythm are made all the more easy to induce if there is hypotension (low blood pressure) as the result of bleeding and underlying narrowing of the coronary arteries. In this case, both the latter factors would be operant.
- 14 Dextropropoxyphene is an opioid drug which is relatively rapidly absorbed into the blood following ingestion, it has an analgesic effect and hence would be expected to deaden the perception of pain due to injury, particularly when taken in the sort of amount seen here which is above the normal therapeutic range.
- 15 In addition to the usual toxicology samples I had also provided police with one of the lungs of the deceased should the question of him being over powered by an assailant using a volatile chemical such as chloroform be raised. Given the lack of volatile chemicals detected in the blood, I am satisfied that this may be re-united with the body for burial.
- 16 The minor injury to the inner aspect of the lip is not associated with bruising nor damage to teeth and does not appear to have any well-developed vital reaction.

17. The minor abrasions over the head are entirely consistent with scraping against rough undergrowth such as the small twigs, branches and stones which were present at the scene.
18. The minor reddened lesions on the lower limbs are typical of areas of minor hair follicle irritation.
19. I have undertaken subcutaneous dissection of the arms and the legs and there is no positive evidence of restraint-type injury.
20. There is no positive pathological evidence that this man has been subjected to a sustained, violent assault prior to his death.
21. There is no positive pathological evidence to indicate that he has been subjected to compression of the neck such as by manual strangulation, ligature strangulation or the use of an arm hold.
22. There is no evidence from the post mortem or my observations at the scene to indicate that the deceased had been dragged or otherwise transported to the location at which his body was found.
23. In accordance with current Home Office guidelines I have retained small samples of major organs for histological analysis. The minor findings in the lungs and the brain are in keeping with the cause of death. The finding of mild fatty change in the liver is not relevant in terms of causing death. Such changes may be seen in a number of settings such as diabetes, sustained alcohol consumption, fasting, etc.
24. The pathological investigation into the cause of death is now complete and I have no further need for Dr Kelly's body to be retained.
25. In summary, it is my opinion that the main factor involved in bringing about the death of David Kelly is the bleeding from the incised wounds to his left wrist. Had this not occurred he may well not have died at this time. Furthermore, on the balance of probabilities, it is likely that the ingestion of an excess number of co-proxamol tablets coupled with apparently clinically silent coronary artery disease would both have played a part in bringing about death more certainly and more rapidly than would have otherwise been the case. Therefore I give as the cause of death:
- 1a. Haemorrhage
 - 1b. Incised Wounds to the Left Wrist
 - 2. Co-proxamol ingestion and coronary artery atherosclerosis

Dr Nicholas Charles Alexander HUNT
BSc, MB, BS, MRCPath, DpRCPath (Forensic)
Home Office Accredited Forensic Pathologist

The conclusions made by Nicholas Hunt in his post-mortem report of Dr David Kelly⁽³³⁾

11.4 APPENDIX 4 – INTERVIEW WITH MICHAEL POWERS

Transcript of Interview with Michael Powers

Interview date: November 13, 2015

Transcribed: November 22, 2015

1 **Q. How did you become involved in this case?**

2 **A.** I became involved in Kelly because a few friends started to question, really, whether the cause of death might
3 have arisen in the way in which Nicholas Hunt said it did. That led to an investigation of such evidence as we had
4 access to and some concern about the nature of the inquiry.

5 **Q. Where did you enter into the equation?**

6 **A.** That's quite difficult to know how soon I entered, I think, I'm conscious of the fact that it took quite a long
7 time to get the machinery going. But there were a number of people that became interested and fed me bits of
8 information and gradually that build up to a crescendo round about the middle of 2010. But I think some of the
9 concerns were raised pretty early on and certainly those that were following. So, yes, I suppose my principle
10 concerns, really, arose because I was very unhappy with having what appeared to be an informal inquiry.
11 The inquiry wasn't the sort of inquiry which I believe would and should have been conducted had it been a proper
12 inquiry, such as a coroner's inquiry could have been. If you look at what is happening at Hillsborough at the
13 moment, Sir John Goldring, is conducted as a coroner, has all the powers that a coroner has to inquire. Lord
14 Hutton had none of those powers. And there really wasn't any rigorous examination, I don't know whether
15 you've seen any of the evidence from the site, but there really wasn't much by way of rigour in the examination
16 of any of the witnesses. None of them was challenged to any significant extent as one might have expected them
17 to have been.

18 **Q. Are we right in understanding that witnesses weren't under oath either?**

19 **A.** They weren't under oath, I mean people put different weight upon things such as oath, but - first it depends
20 upon religious convictions - an oath does have an extra imperative to it. The second is of course, people who do
21 give evidence under oath, they are susceptible to proceedings if they lie under oath. So, that penalty isn't there.
22 If you're just generally discussing something - although there is an element that if it's being recorded and if it's in
23 public, you might be held to public account subsequently, but you can't be prosecuted for anything if it proves to
24 be wrong. There isn't the obligation upon witnesses to answer questions, or indeed to attend. Or if the

25 attendance could be upon some condition we don't know anything about. I mean, in short, if some chump of
26 mine said let's have an inquiry, we'll use the church hall, and we'll sit down and see who'll come along and speak
27 to us - it had that element of status to it, which is hopelessly inadequate in my opinion. Especially since it sought
28 to replace what would have been a true and proper inquiry by the coroner.

29 **It was hard for us to determine exactly why it was chosen to do an inquiry over a proper inquest. Do you have**
30 **any insight into that?**

31 **A.** Well, I don't, and I stand to be corrected - I haven't polished all this up - but I think our prime minister then
32 Tony Blair was on his way to the Far East on a long flight and when he got off the flight he made an immediate
33 announcement - because he'd evidently been told about the body having been found - and there and then there
34 was an announcement that there would be an immediate inquiry. I can't quite get the timing of this right, but it
35 certainly seems to be extraordinary short, in that Lord Faulkner had appointed Lord Hutton to conduct the inquiry
36 within three hours of the body having been found not even having been formally identified. It's a remarkably fast
37 sequence of events. And I think it's difficult to understand why there needed such speed, but there was a lot of
38 sensitivity at the time that this might cause the Blair government a great deal of trouble. Perhaps there was a
39 feeling that there needed a control of the situation which would be imposed effectively by choosing someone
40 who would come in and operate as a governor of the inquiry. I have no particular observations about Lord
41 Hutton, he had quite a pedigree I think in Northern Ireland. He was obviously selected by the government, which
42 is quite an important factor, isn't it? The government chooses its own person to conduct an inquiry which is very
43 largely, not into the death of Kelly, but into the circumstances in which he died. One can't imagine that the
44 government would want to appoint someone that was going to be antipathetic to him.

45 **Q. You would prefer to have an inquest, a more legal inquiry; what evidence would you expect to come out of**
46 **that, that would be better than the inquiry that was conducted?**

47 **A.** I can't remember how many days the inquiry took; I think it was 20 or 21/22 days something like that. At the
48 time I did a calculation by looking at all of that evidence - most of it, I didn't read it all because I'm not really
49 interested in the non-medical aspects of it. But there was rather less than a half a day in all that was concerned
50 with the evidence of the circumstances and causes of David Kelly's death. And given that those circumstances
51 were really quite extraordinary in my view, it seems surprising that so little time should have been spent in
52 examining it.

53 The inquiry by Lord Hutton, and the evidence given by Nicholas Hunt was really quite short. *Referring to the*
54 *coroner's report* - The information that was available to the public was that available through the Hutton Inquiry -

55 we didn't have any private information, that was it. Ultimately, we did get the two reports which were disclosed
56 by the government, in the end, despite Hutton not wanting them to be. And then a few other elements, that
57 came out of the media. So not very much evidence still, about the medical aspects of the case. So from our point
58 of view, those that were interested when we just had Hutton's inquiry, wrote as you probably know, in the
59 Summer of 2010, a letter to The Times.

60 **[On suicide]**

61 If somebody died by committing suicide, it's got to be proven beyond reasonable doubt. It goes back to the time
62 when suicide was a crime. So, a level of certainty is required, and very often it can't be met. If one of you three,
63 rather unhappily, on the way home decides to jump in front of a train and you're killed, even if you don't leave a
64 suicide note, it looks pretty much as if you intended to do it, unless you were pushed off the platform. So you can
65 have a death that is pretty obviously suicide, somebody jumping off a cliff, in front of a train. Then you can have
66 deaths which are pretty obviously murders - knives in the back. And then you can have deaths, which are medical
67 deaths really - there's some issue over whether or not the cause was a pathology or the cause was a drug that
68 was taken or something of that kind. And these are much, much more difficult, particularly if you want to label
69 them as suicide.

70 If he [Kelly] had intended to kill himself, and he may have done, but that isn't a sufficient level of proof, and he
71 opportunity - some people commit suicide just impulsively. But some involve an element of planning, and on any
72 basis, this involved an element of planning. If you were to set about a plan to kill yourself, you might think, if you
73 had all the knowledge that he had, that he would achieve it more effectively by some other means than trying to
74 find the ulnar artery in order to stab himself to death.

75 Someone... at a stage in their career became very depressed, early on in medical school. That person decided to
76 kill that person's self. This was done by slitting both wrists, cutting all four arteries and sitting in a bath. That
77 person didn't bleed to death - passed out, didn't drown. Came round, the clotting had stopped all four arteries.
78 That persons sought treatment, fully recovered, regretted the silly error of doing it, and went on, with many
79 other people, to subscribe to the view that it ain't *[sic]* easy to commit suicide by slitting both your wrists and
80 sitting in a bath of hot water. So when it comes to just mangling one small artery in one wrist, it isn't the easiest
81 way to explain how one would do it. I mean, Kelly must have known - most people probably wouldn't even know
82 there is an ulnar artery; you very, very rarely feel it, feel a pulse, because it's so much deeper in the wrist. The
83 most obvious thing, is of course, to cut the radial artery, which you can see and feel very often, and on both sides,
84 that simply wasn't done. Whatever the intent may be, however that was done, whenever it was done, isn't really

85 the issue which caused concern. It was the amount of blood that came from it, and how long it would have taken
86 to have lost - a fifth - most people would say of the circulating volume. If you lose blood very quickly, it is more
87 difficult for the body to compensate than if you lose it slowly. If you lose it slowly all the fluid from the
88 extravascular space can maintain blood pressure very much longer. In ordinary circumstances, there's some
89 argument whether he had coronary artery disease, which was not clinically manifested. So, we were concerned
90 about that. It seems to me that, I accept that there are difficulties in measuring volumes of blood that are lost.
91 But given that you have to prove, in this case beyond reasonable doubt that the death was due to haemorrhage,
92 which is the primary cause Hunt believed it to be, you've got to have some pretty substantial evidence of that
93 which is lost, or that which remains, because otherwise how can you draw the conclusion? We can make a pretty
94 accurate of how much blood he had in his body just simply by virtual weight. And sometimes, of course, it's
95 pretty obvious at the scene of the disaster, that the source of the blood loss, the volume of it as seen on a
96 smooth, non-absorbing surface, could be substantial. Most of us, we see two or three hundred mls of blood on
97 the floor it actually looks quite a lot, but here we're talking about at least a litre/litre and a half of blood - an
98 awful lot of blood to lose, and it would make a heck of a lot of mess.

99 So what is the evidence about blood loss? The paramedics who were first on the scene, with no self interest in
100 the matter... both of the ambulance personnel that gave this evidence probably gave it in quite difficult
101 circumstances and were prepared to say that in their view there was not enough blood at the scene to justify the
102 conclusion that the death had been due to massive loss of blood. Of course, they accepted that it was a wooded
103 area; it could soak into the ground and disappear before anybody comes along, but of course, nothing was done
104 to dig up the relevant area of soil - which could easily have been done. It wouldn't be a complex calculation - it
105 wasn't done.

106 Those arguing for the case being reopened - this is an interview with Nicholas Hunt - claim that the severed ulnar
107 artery, the wound found to Kelly's wrist was unlikely to be threatening unless the individual had a blood clotting
108 deficiency. Their view was supported by the detective who found his body who said he'd not seen much blood.
109 But Mr Hunt said "Nobody would have seen the amount of blood at the scene. In actual fact there was big, thick
110 clots of blood inside the sleeve which came down over the wrist and a lot of blood soaked into the ground". Now
111 that is the first time, seven years after the event, that he gave this evidence to a newspaper. It's astonishing that
112 that should be the case, when in the report that he'd prepared, and the evidence which he gave, there was
113 nothing of any significance about it. I have to say, given that his conclusion was haemorrhage as a cause of death,
114 it's really quite remarkable that this evidence, seven years after the event, to a national newspaper should appear
115 for the first time.

116 The more difficult issue, and I accept this – I think everybody does - is it's difficult to look at the other end. Seeing
117 how much split milk is on the floor is one way, and seeing how much has been left in the glass; there are
118 techniques for measure blood in the great vessels at post mortem, and people that die from haemorrhage, may
119 manifest that in a different way, but not necessarily a quantifiable day. But that didn't appear from his post-
120 mortem examination either. We all know that people can die without an obvious cause of death. The typical
121 thing that happens is you just throw a dysrhythmia and nobody is around with a defibrillator, and you end up
122 dead; chop you up, and when the body is dissected at post-mortem, you can't find any cause for it. The heart
123 looks okay, everything freezes at it was, there's no damage to the muscle caused by specific occlusion of the
124 coronary artery. And you find nothing else in the body that can account for the death, and yet it's quite obvious
125 that the corpse is dead, so something must have caused it. Brave pathologists will simply say "well, I can't find
126 the cause of death but it must have been a dysrhythmia" - an immediate inference that the heart is not working
127 so something must have gone wrong.

128 Fair enough, those things happen. But when the investigation of the cause of death, and everybody wanted to
129 know what had happened here, to the death. There were those that were immediately happy that he committed
130 suicide - he committed suicide because of the extraordinary pressure that he'd been placed under, and he really
131 couldn't face it anymore, and so he takes his beloved garden knife - goes up to the woods - and some tablets, and
132 kills himself. There will be those who fully accept that, and just simply wanted to explore all the circumstances
133 which caused him to do it - WMD stuff, the leak to the BBC, the role the BBC played and the government. That's
134 why the vast majority of Hutton's inquiry was based upon that, on the assumption that he committed suicide. It
135 was really an assumption of suicide which was then confirmed by a few weak questions from the pathologist.
136 The difficulty really, is that this led to a very unsatisfactory situation, because there was a pre-judgment that it
137 must have been blood loss that had caused the death. There was a judgement that that blood loss must have
138 come from the ulnar artery, and it could only have happened as a consequence of him doing it to himself,
139 because there he was with his favourite pruning knife, and there was the several attempts, and the hesitation
140 marks as they're known, as he tries to find where he should know the radial artery is. There's no clean cut, which
141 would very much suggest that it would clot fairly quickly.

142 Looking at the other aspect of the case, which was the coproxamol, you know from your research that this is a
143 mid-grade analgesic. it's got 375 mg of paracetamol per tablet, and a tenth in mg of dextropropoxyphene a CNS
144 depressant. It does also, have some effect upon heart rhythm, or may do, it can't be all that serious given that
145 many millions of these people have taken these drugs, and many of them are elderly. Now, he is found to have 3
146 popper packs of these ten tablets in each, and every popper is gone except in one packet where there is still a

147 tablet left. Well, I suppose if you are swallowing tablets, and you've got three packs, you've got 30 there, you
148 might open 25, 26, 27, 28, 29, and you might say, I reckon that's enough, or I'm tired. Given that these things do
149 not kill instantly - it's not cyanide - you're going to be just as awake when you've taken the 28 tablets as you are
150 when you've taken the 29th. I just find it utterly remarkable that someone, wanting to overdose doesn't take the
151 lot.

152 Then the examination of the contents of the stomach, shows - I think it was only about a fifth of a tablet was left
153 in his stomach, 65 mg of paracetamol. Well if it was not in the stomach, well there are a number of factors why
154 more tablets might not be in the stomach. The first is, more tablets might not have been taken. But then that
155 has to lie with what was found in the blood. They could have been vomited up - although that's odd because the
156 tablets weren't emetics, and he otherwise had an empty stomach, there was no suggested to vomit at other
157 occasions. It would be a bit odd, for someone taking 29 tablets simply to vomit them up. There was some
158 evidence of some vomit, which various people have interpreted as to whether he was lying to the side or sat up
159 at the time when this mark on his face appeared. Up, and the levels of both paracetamol and
160 dextropropoxyphene in the blood were high, but not the levels seen in people who take overdoses and die from
161 them. This gives rise to all kinds of issues – it's quite a small amount, there is quite an issue over his weight
162 whether he was 59 or 60 kilos. You can easily count how many tablets would have been necessary to have been
163 ingested in order to get those levels in the blood at the time they were found. None of those exercises was
164 undertaken. So I think it stills remains an issue as to whether or not he had ever taken, even the 29 tablets,
165 maybe he took ten tablets, or 8 tablets. There's no evidence that he took more than that in the blood, or in his
166 stomach, only the fact that the popper packs were empty except for one. That's a very, very unsatisfactory
167 conclusion - one tends to lean - well if he'd taken 29 tablets, well he must have intended to kill himself. well, fair
168 enough, if he'd taken the 29 tablets, but where's the evidence he took 29 tablets? And then on top of everything,
169 he has some coronary artery disease which isn't so surprising, he as a man getting on in years, and that's all
170 wrapped up into the conclusion that he killed himself by stabbing his wrist. Without any apparent the evidence
171 other than some circumstantial evidence that he wanted to kill himself.

172 There were many other odd things about it, because apparently he'd arranged to meet his daughter to whom he
173 was rather attached. He'd even made some booking, I think, flights... in the morning before he goes for his walk.

174 Some say there is an issue with a relationship he had with someone called Mai Pederson, and maybe his wife was
175 going to find out, or he wasn't going to go back to Iraq, and the pressure that may have been on him... it's not to
176 difficult to rummage around people's lives. He might not have been able to cope, and so he decided to kill
177 himself.

178 But this isn't an ordinary guy. He'd been screened at the highest level for mental instability. Okay, governments
179 get it wrong - but they don't let somebody have access to highly confidential secret information, both in the
180 states and in this country, without having some kind of screening as to mental instability. He must have had a
181 high degree of mental fortitude, notwithstanding him coming into the public eye, and all the times that he had
182 been abroad the number of threats and pressures he must have been under, and yet he was able to withstand
183 them. He must have known what he was doing when he gave that information away. There's no evidence that
184 I've been able to find that his mental state was such that he intended to take his life. So when you put together
185 the absence of what I consider to be a medical picture of clarity of a death resulting from an intent to take his
186 own life, and lack of the psychological background, and no immediate circumstance - the immediate circumstance
187 was rather inconsistent with him - it led me to the conclusion that the evidence simply wasn't strong enough to
188 reach that conclusion.

189 The powers that be would have not liked a situation over which there would be uncertainty over his death. It'd
190 have to be obvious that he killed himself, because it's the least bad situation. I don't know whether he killed
191 himself or not, but it just unhappily hasn't been properly investigated.

192 **Q. His [Kelly's] family said they don't want another inquest or inquiry - what do you say about that?**

193 **A.** I've been challenged by this before - unnatural deaths are a matter of public importance and a matter of
194 personal choice - family situations are terrible, and a lot of consideration has got to be given to them, but the
195 public interest in investigating that unnatural death, overwhelms, and certainly is more important than
196 addressing the distress that the family may have about a further inquiry. If it were to be otherwise - imagine
197 families where they'd actually assisted the deceased to die. So sympathy yes, but public interest supervenes.

198 **Q. A comment that Kelly made 'I would probably be found dead in the woods' - is that of any significance?**

199 **A.** That leads onto a much bigger subject really. Norman Baker's book, he recounted a number of circumstances
200 that he suspected intelligence agencies had some interference - had been listening to his conversations. I
201 certainly remember at the time we were dealing with all this element of awareness - not paranoia, that the
202 intelligence services might be interested.

203 It's difficult - I think we would be naive to assume that the intelligence services were not interested in what was
204 happening. Possibly, is the answer. He would have been pretty naive, wouldn't he, if he spoke to blow the gap
205 on something which he would've been fully aware of the implications - he was fully aware of all the evidence. He
206 probably would have been party to what the intent of the government was, in relation to the evidence. He would
207 have been extraordinarily naive not to have thought that if he'd stepped out line, there might be a problem for

208 him.

209 It's interesting, we're still waiting for John Chilcot's inquiry. A diplomat, English diplomat serving in the states,
210 was invited to give evidence to Chilcot - he happened to be a friend of Kelly's. When the diplomat came to give
211 evidence, he was taken to a room on the side, and he was told that under no circumstances should he talk about,
212 or mention the name of David Kelly. He was told also that there was a delay between the transmissions of the
213 inquiry, which used to happen in all kinds of circumstances, to stop lunatics on the BBC from blurting out
214 something. But there was this loop which enabled the transmission to be interrupted. He was told that he would
215 be unceremoniously frogmarched to the United States - that seems to be staggeringly heavy handed, if it's true.
216 The idea that Kelly's death, and the knowledge of WMD should not form any part of this enormously expensive
217 enquiry, which we have been so many years to have seen. It will be interesting to see whether the word 'Kelly'
218 appears anywhere in it. It's going to remain unsolved, until maybe one way, we will get hold of evidence which
219 will enable it to be solved - or maybe the evidence doesn't exist, I have to keep open-minded about it.

220 **Q. What form would that evidence take?**

221 **A.** Again, that's difficult to know. Those who would argue against suicide in a positive way, simply saying was
222 killed, would say, well it would've required an enormous conspiracy, and would have been extremely difficult for
223 so many people to be involved in the conspiracy that somewhere it would've cracked and it wouldn't have
224 worked. But conspiracies do work - there will be conspiracies which none of us knows about, which will have
225 worked. The fact that they are difficult is not to say that they won't work. And if there has been - there are all
226 kinds of theories as to how he might have died - and there are many other facets besides the simple medical
227 ones. The chronologies, the timings are extraordinarily difficult to understand. This was a very significant public
228 interest death, with a totally inadequate investigation.

229 **Q. Is there anything that could be done now, that would help shed some light. Or is it just waiting for
230 someone somewhere to come up with this piece of evidence?**

231 **A.** There are people who are still working on it - there are very well organised thoughts on it.

232 I did want to say something about the way in which the government have managed this. There was a clamour for
233 the information - in particular the post-mortem report which Hutton said should be locked for 70 years, and we
234 found that extraordinary, and in the end, because of the clamour, they needed to publish the report. The
235 publication of the report, was said to be of indication, or extra evidence that supported the cause of suicide being
236 the cause of death. Of course, all it did was to say, basically, no more, very little more than had been said to
237 Hutton. So, whilst we were given that piece of evidence, and the toxicology, it was giving us no more than in fat

238 hat been given in the inquiry. But it was made as if 'at last, well now you can see it all, and it had been proved'.
239 If there's nothing more to be said that's been said already, then it remains an unexplained death as far as I'm
240 concerned. If there is more to be said it may be interesting. We may get closer to the truth. When I say that the
241 truth has not been ascertained here, I don't think it has, it's not possible to find out what the truth is, no matter
242 how detailed the inquiry is, but truth was not ascertained here as far as I think it could have been. Whether that
243 be for government sensitivities, or family sensitivities, or it could even be at one end of the scale, incompetence
244 sensitivities of either the TVP or the people that were involved in the investigation. There could be many
245 different reasons for sensitivities were not to be further examined. So even on present evidence, it could be
246 much more rigorously examined, just as Hillsborough is being more rigorously examined.

The transcript from an interview with Dr Michael Powers QC, in London on Friday 13th November 2015

11.5 APPENDIX 5 – MR TOAD’S POST

1 This from my friends on the river bank:
2 Hutton is a jigsaw puzzle. And like all the best puzzles there was a piece missing. Some people have found the
3 missing piece, but they keep trying to put it in upside-down.
4 1998 - Mai Pederson attached to Kelly as UNSCOM translator.
5 1998 - UNSCOM out of Iraq
6 1998 - Tom Mangold presents Panorama documentary revealing extensive infiltration of UNSCOM by national
7 security services.
8 1998+ Pederson / Kelly relationship remains close
9 2000-2003 MoD becomes suspicious of Kelly's relationship with Pederson. Begins moving Kelly towards the door
10 marked 'exit', but does it quietly so as not to alarm Kelly or his friends overseas. No grading increase, retirement
11 age reduced from 65 to 60, moved to PR role with no access to classified information.
12 May 2003 Gilligan interviews senior member of HMG, who makes the Campbell 45-minute claim 'off the record'.
13 Gilligan cannot run the story without a creditable source, so is pointed to Kelly as 'unattributable' MoD source.
14 Gilligan goes to Kelly, tells him he knows the 45 minute claim is fictitious and plays the 'name game', then goes
15 home and writes up his piece overnight using info from souce 1 effectively attributed to Kelly. Kelly is baffled by
16 Gilligan's interview, but once Gilligan's piece goes out he realises he has been set up. He writes to MoD to admit
17 the unauthorised interview but denies he is the original source of Gilligan's information.
18 Kelly is called to meeting with line managers and told that orders from on high dictate that he will be the 'fall guy'
19 or will lose his pension and find his relationship with Pederson plastered across the front page of the Telegraph
20 and tv news. What Kelly did not realise was that this was a bluff. MoD were well aware of Pederson's actual role
21 and would never have allowed the name to come out in this way at the time.
22 Kelly does as he's told and goes before the parliamentary committee and ISC. This should be the end of it, except
23 that Kelly broods on it and decides he will take steps to clear his name. Unfortunately, to do this he has to admit
24 to the Pederson relationship. throughout the whole saga Kelly has been in close touch with Pederson, who has
25 been reporting back to her masters. On July 17th Kelly tells Pederson he is going to leave his wife and going to
26 the press to clear his name. Pederson reports immediately to her managers, the alarm bells go off in Washington
27 as they believe she is about to be 'outed' and it's "goodnight Vienna".
28 Here's why:

29 The CIA did to Kelly what they did to everyone, lied to him about Iraq's WMD. The difference is that they thought
30 Kelly's position as MoD bio-weapons expert would allow him to influence the policy of HMG.

31 Here's how it was done: Pederson was a US airforce translator working from Arabic to English. After the removal
32 of UNSCOM from Iraq in 1998, evidence of WMD capability came from satellites and smuggled documents. These
33 would land first on the desk of Ms Pederson and her colleagues for translation, before passing to the scientists for
34 analysis, who then advised USG.

35 In the case of Pederson, however, the documents did not come from Iraq, but from the CIA. Pederson 'leaked'
36 fake intelligence to Kelly over an extended period, which she claimed came from smuggled Iraqi documents
37 indicating the existence of WMD. By 2003, Kelly was completely convinced not only of the existence of WMD in
38 Iraq, but also believed he knew what they were and where they were.

39 However, when Kelly attempted to go to Iraq (post invasion) to locate them, he found his was mysteriously
40 barred. On a first occasion his official visa proved worthless and he was turned back at Kuwait. On a second
41 occasion he found himself confined to an airbase for the duration of his stay on security grounds.

42 There may be some evidence that shortly before his death, Kelly became aware of the nature of Pederson's
43 information. In preparation for his next planned visit to Iraq Kelly appears to have shared informaton from
44 Pederson with Gabriele Kraatz-Wadsack, a German army weapons inspector and biological weapons expert. It
45 appears from her reply, however, that she was less than convinced as to the veracity of the information, as made
46 clear by the 'concerns' she expressed.

47 In short, Kelly's death was the result of two conspiracies colliding. The first being the civil war within the cabinet
48 of HMG, which nearly resulted in the exposure of the second, USG's plans to help HMG make up its mind with
49 regard to Iraq's WMD.

50 Ultimately, it wasn't murder or suicide, but a series of unfortunate accidents.

51 Trouble with this jigsaw puzzle is, once you put it together, you realise it's just a part of a much bigger puzzle.

The original uncorrected post made by 'Mr Toad' on December 30, 2003 about Dr Kelly's death⁽⁷⁰⁾

Table 1: A list of common abbreviations that will be used throughout this report. The full form is given, along with the definition.

Abbreviation	Full Form	Explanation
CBW	Chemical and Biological Weapons	A chemical weapon is “any toxic chemical or its precursor that can cause death, injury, temporary incapacitation or sensory irritation through its chemical action”. A biological weapon delivers “toxins and microorganisms such as viruses and bacteria, so as to deliberately inflict disease”. ⁽³⁵⁾
MoD	Ministry of Defence	A ministerial department which works to protect the United Kingdom. It aims to maintain the armed forces and provide them with training ⁽⁴⁶⁾ . David Kelly was employed by the MoD since 1984.
UNSCOM	United Nations Special Commission	An establishment that was set up to “implement the non-nuclear provisions of the resolution” to eliminate Iraq’s weapons of mass destruction and ballistic missiles. ⁽⁶⁵⁾
CIA	Central Intelligence Agency	“An independent agency, responsible for providing national security intelligence to senior US policy makers”. ⁽⁶³⁾
WMD	Weapons of Mass Destruction	“Any explosive device, any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors”. “Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life”. ⁽⁶⁶⁾
FAC	Foreign Affairs (Select) Committee	A committee charged with “examining the expenditure, administration and policy of the Foreign and Commonwealth Office (FCO), other bodies associated with the Foreign Office and thereby within the committee’s remit, include the British Council”. ⁽²³⁾

Removable Page

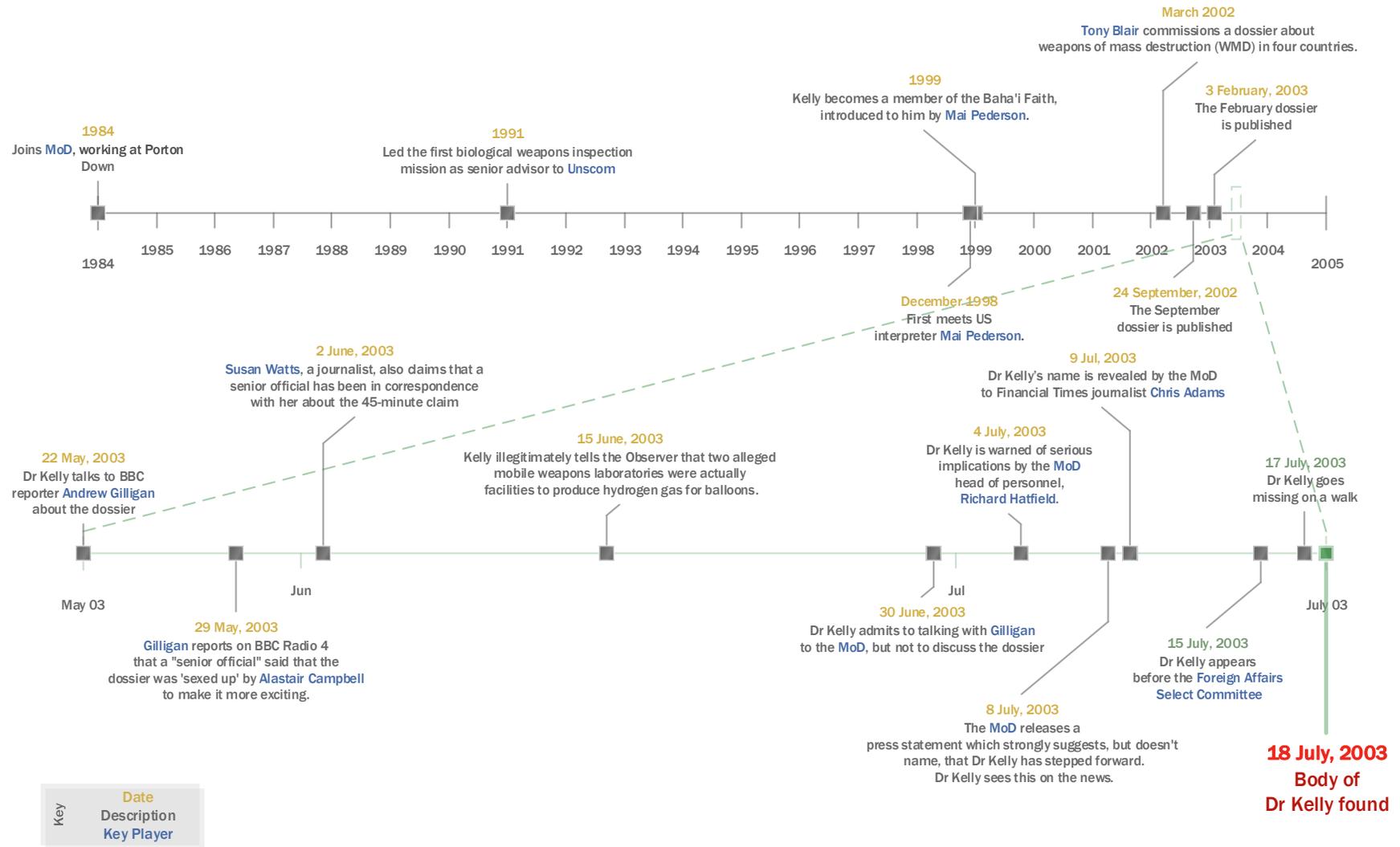


Figure 1: The timeline describing the main events, from Dr Kelly's appointment at the MoD, to the day his body was found



Figure 2: The key characters involved with Dr Kelly's death, and how they were involved^(1, 2, 17, 41, 43, 47, 48, 64)