



## THE TREASURY SOLICITOR

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Please quote

Your reference

Date 10<sup>th</sup> October 2003

Dear Mr Smith

### **FACTUAL INACCURACIES ARISING FROM SUBMISSIONS OF OTHER PARTIES**

Thank you for the opportunity to identify the factual inaccuracies contained in the submissions of the other parties to the Inquiry. Please see the attached document setting out a limited number of inaccuracies that the Government considers maybe significant and potentially misleading. We have not set out each and every error which might be found in the submissions by other parties since for the most part either they are obvious or are based on points of argument and are already covered by the submissions already made on behalf of the Government.

Yours sincerely

**DAVID PEARSON**

FSB/6/0001



INVESTOR IN PEOPLE

## BBC submission

- 1 Paragraph 26(7) -"The leaking of correspondence to the press has been a recurrent feature of Mr Campbell's strategy" There is no evidence to this effect.
- 2 Paragraph 39 - this states that Dr Jones self description as the most senior and experienced intelligence officer has not been challenged This isn't correct, please see paragraph 40 of the Government's submission explaining that Dr Jones and his team were technical experts, not privy to all of the intelligence and not the branch responsible for making an evaluation on the significance of the 45 minute point.
- 3 Paragraph 54 - "When the media reaction to the dossier headlined the 45 minute claim, often tying it to strategic weapons, Mr Campbell's reaction was that the publicity 'went well'" This is clear misrepresentation of the evidence given (D7/63 6-64 23)
4. Paragraph 59 - this states that the draft of the 19th presented the 45 minute claim as a certainty in the main text as well as the executive summary. This is wrong These points are covered in detail at paragraphs 25 - 29 of the Government's submission
5. Paragraph 69 -it is wrong to state that there is no evidence that the JIC approved later changes to the dossier. Please see paragraphs 12(6), 15 and 30 of the Government's submission.
6. Paragraph 92 – it is incorrect that Mr Campbell made no mention of any suggested comments or change on the 45 minute point in his evidence in chief in Phase I of the Inquiry (D7/47 21 – 48 17)

## Family's submission

7. Paragraphs 4-14 - The Civil Service Code, the MOD and Dstl conduct manuals were provided in response to a request from the enquiry for documents giving relevant terms and conditions. All form part of Dr Kelly's conditions of service and are consistent with each other (D2/28). The Civil Service Code sets out general principles for all Civil Servants. The MOD manual sets out the regulations for MOD as a whole and the Dstl manual sets out conditions which apply specifically to employees of that Agency within MOD **The MOD Conduct manual is most directly relevant** (D2/27 3-9), both because at the period in question he was seconded to MOD Headquarters and because it includes the procedures relating to the circumstances under discussion. Contrary to paragraph 10.1 of the submission, paragraph 6.3 of the Manual makes clear that these procedures (Annex M) are not confined to public speaking:

You must obtain authority, before taking part in any outside activity involving

- the disclosure of information obtained in the course of official duties,
- the use of official experience;
- the public expression of views on official matters

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The procedures for obtaining permission are set out in Annex M to Chapter 3

(In contrast, the passages in the Dstl manual referred to in the submission at paragraphs 10.2, 11 and 12 are concerned with extra-curricular activities.)

- 8 Paragraph 21 - on Day 2, Mr Hatfield discussed the nature of the 'ad hoc' arrangements operated by Dr Kelly at some length (pages 65-74). He acknowledged to Dr Kelly on 4 July that these gave additional discretion beyond the basic rules but told him that his meeting with Gilligan fell outside its scope (p75, lines 15-18) Mr Hatfield's question about authorisation was answered at the time by Dr Kelly's silence (D20/11.21-25).
- 9 Paragraph 87 - Witnesses have given evidence as to why it was necessary to include more detail in the statement of 8 July. See, for example, Sir Kevin Tebbit on 20 August, page 88, and Ms Pam Teare on 18 August, page 32.
10. Paragraph 121 - Mr Hatfield went on to make clear (D19/ 214 line10) that Dr Kelly had explicitly consented to the statement that was issued.
- 11 Paragraph 144. It is noted that no reference is given to support the submission of "on No 10's instructions". See the Prime Minister's evidence at D12/97 He did not say that Dr Kelly was to be "told" what he should and should not say at the FAC and ISC We are not aware of any evidence to support this submission

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